

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 1541 – Allowing Vehicles Up to 80,000 Lbs to Have Access to Terminals and Facilities

Author: Senator Rod Skoe

Prepared by: Amy Vennewitz, Fiscal Analyst (651/296-7681) *Amv*
Bonnie Berezovsky, Senate Counsel (651/296-9191)

Date: March 29, 2005

Section 1 provides an exception to the 73,280 lb. gross weight limit on routes other than trunk highways to allow vehicles up to 80,000 lbs. to have access to a terminal or facilities for food, fuel, and repairs that are within three miles of a ten-ton route. Terminal is defined to mean a location where freight either originates or terminates or is handled in the transportation process or where commercial motor carriers maintain operating facilities.

Section 2 requires signs giving notice of a weight enforcement operation to be posted within the highway right-of-way within two miles of the operation.

Section 3 defines “officer” for purposes of enforcing weight limits to mean a member of the State Patrol; an employee of the department of public safety who is employed to enforce laws relating to motor vehicle size or weight; or a peace officer who is certified in weight enforcement by the Department of Public Safety. A person who is not an employee of the Department of Public Safety or a trained and certified peace officer is prohibited from conducting weight enforcement.

Senators Skoe, Murphy and Ortman introduced--

S.F. No. 1541: Referred to the Committee on Transportation.

1 A bill for an act

2 relating to traffic regulations; requiring certain
3 vehicles up to 80,000 pounds to have access to
4 terminals and facilities; requiring training and
5 certification for peace officers who engage in vehicle
6 weight enforcement; amending Minnesota Statutes 2004,
7 sections 169.824, subdivision 2; 169.85, subdivisions
8 1, 6.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

10 Section 1. Minnesota Statutes 2004, section 169.824,
11 subdivision 2, is amended to read:

12 Subd. 2. [GROSS VEHICLE WEIGHT OF ALL AXLES.] (a)

13 Notwithstanding the provisions of section 169.85, the gross
14 vehicle weight of all axles of a vehicle or combination of
15 vehicles shall not exceed:

16 (1) 80,000 pounds for any vehicle or combination of
17 vehicles on all state trunk highways as defined in section
18 160.02, subdivision 29, and for all routes designated under
19 section 169.832, subdivision 11;

20 (2) 73,280 pounds for any vehicle or combination of
21 vehicles with five axles or less on all routes, other than state
22 trunk highways and routes that are designated under section
23 169.832, subdivision 11, except that a vehicle needing
24 reasonable access to a terminal or facilities for food, fuel,
25 repairs, and rest, located within three miles of a ten-ton
26 route, may not exceed 80,000 pounds. "Terminal" means any
27 location where freight either originates, terminates, or is

1 handled in the transportation process, or where commercial motor
2 carriers maintain operating facilities; and

3 (3) 80,000 pounds for any vehicle or combination of
4 vehicles with six or more axles on all routes, other than state
5 trunk highways and routes that are designated under section
6 169.832, subdivision 11.

7 (b) The maximum weights specified in this section for five
8 consecutive axles shall not apply to a four-axle ready-mix
9 concrete truck which was equipped with a fifth axle prior to
10 June 1, 1981. The maximum gross weight on four or fewer
11 consecutive axles of vehicles excepted by this clause shall not
12 exceed any maximum weight specified for four or fewer
13 consecutive axles in this section.

14 Sec. 2. Minnesota Statutes 2004, section 169.85,
15 subdivision 1, is amended to read:

16 Subdivision 1. [DRIVER TO STOP FOR WEIGHING.] (a) The
17 driver of a vehicle that has been lawfully stopped may be
18 required by an officer to submit the vehicle and load to a
19 weighing by means of portable or stationary scales.

20 (b) In addition, the officer may require that the vehicle
21 be driven to the nearest available scales, but only if:

22 (1) the distance to the scales is no further than five
23 miles, or if the distance from the point where the vehicle is
24 stopped to the vehicle's destination is not increased by more
25 than ten miles as a result of proceeding to the nearest
26 available scales; and

27 (2) if the vehicle is a commercial motor vehicle, no more
28 than two other commercial motor vehicles are waiting to be
29 inspected at the scale.

30 (c) Official traffic control devices as authorized by
31 section 169.06 may be used to direct the driver to the nearest
32 scale.

33 (d) When a truck weight enforcement operation is conducted
34 by means of portable or stationary scales and, signs giving
35 notice of the operation are must be posted within the highway
36 right-of-way and adjacent to the roadway within two miles of the

1 operation⁷. The driver of a truck or combination of vehicles
2 registered for or weighing in excess of 12,000 pounds shall
3 proceed to the scale site and submit the vehicle to weighing and
4 inspection.

5 Sec. 3. Minnesota Statutes 2004, section 169.85,
6 subdivision 6, is amended to read:

7 Subd. 6. [OFFICER DEFINED.] When used in this section, the
8 word "officer" means a ~~peace-officer-or~~ member of the State
9 Patrol, an employee of the Department of Public Safety described
10 in section 299D.06, or a peace officer employed by a local unit
11 of government who is trained and certified in weight enforcement
12 by the Department of Public Safety. No person who is not an
13 employee of the Department of Public Safety or a peace officer
14 trained and certified as provided in this subdivision is
15 authorized to stop vehicles for weight enforcement.

1 Senator moves to amend S.F. No. 1541 as follows:
2 Page 3, line 10, after "officer" insert "or person under
3 the officer's direction and control"
4 Page 3, line 11, delete "and certified"
5 Page 3, line 12, delete everything after the period
6 Page 3, delete lines 13 to 15
7 Amend the title as follows:
8 Page 1, line 4, delete the second "and"
9 Page 1, line 5, delete "certification" and after "officers"
10 insert "and others"

1 violation of weight restrictions imposed under subdivisions 1
2 and 2 by a vehicle designed and used exclusively for recycling
3 while engaged in recycling in a political subdivision that
4 mandates curbside recycling pickup while engaged in such
5 collection, or by a vehicle that is designed and used
6 exclusively for collecting mixed municipal solid waste as
7 defined in section 115A.03, subdivision 21, while engaged in
8 such collection, is not subject to criminal penalties but is
9 subject to a civil penalty for excess weight under section
10 169.871.

11 [EFFECTIVE DATE.] This section is effective the day
12 following final enactment.

1 Senator moves to amend S.F. No. 1259 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 2004, section 169.87,
4 subdivision 6, is amended to read:

5 Subd. 6. [RECYCLING AND GARBAGE VEHICLES.] (a) Except as
6 provided in paragraph (b), weight restrictions imposed under
7 subdivisions 1 and 2 do not apply to a vehicle that does not
8 exceed 20,000 pounds per single axle and is designed and used
9 exclusively for recycling, while engaged in recycling in a
10 political subdivision that mandates curbside recycling pickup.

11 (b) ~~Until July 17, 2005,~~ Weight restrictions imposed under
12 subdivisions 1 and 2 do not apply to (1) a vehicle that does not
13 exceed 14,000 pounds per single axle and is used exclusively for
14 recycling as described in paragraph (a), or (2) a vehicle that
15 does not exceed 14,000 pounds per single axle and is designed
16 and used exclusively for collecting mixed municipal solid waste,
17 as defined in section 115A.03, subdivision 21, while engaged in
18 such collection.

19 (c) Notwithstanding section 169.80, subdivision 1, a
20 violation of weight restrictions imposed under subdivisions 1
21 and 2 by a vehicle designed and used exclusively for recycling
22 while engaged in recycling in a political subdivision that
23 mandates curbside recycling pickup while engaged in such
24 collection, or by a vehicle that is designed and used
25 exclusively for collecting mixed municipal solid waste as
26 defined in section 115A.03, subdivision 21, while engaged in
27 such collection, is not subject to criminal penalties but is
28 subject to a civil penalty for excess weight under section
29 169.871.

30 Sec. 2. [EFFECTIVE- DATE.]

31 Section 1 is effective the day following final enactment."

32 Delete the title and insert:

33 "A bill for an act relating to traffic regulations;
34 removing an expiration date on an exception to seasonal weight
35 limits for certain recycling and garbage trucks; amending
36 Minnesota Statutes 2004, section 169.87, subdivision 6."

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 1095 – Authorizing Commissioner to Waive Road Test for Licensed Military Personnel

Author: Senator Michelle Fischbach

Prepared by: Amy Vennewitz, Fiscal Analyst (651/296-7681), *Amv*
Bonnie Berezovsky, Senate Counsel (651/296-9191)

Date: March 29, 2005

This bill includes the active and reserve components of any branch or unit of the United States armed forces in the definition of “jurisdiction” for purposes of allowing the Commissioner of Public Safety to waive a road test when the applicant possesses a valid driver’s license issued by a jurisdiction that requires a similar test for license issuance. A valid driver’s license is any license recognized by a branch or unit of the military as currently being valid, up to and including one year past the date of the applicant’s discharge.

Senators Fischbach, Wergin, Murphy and Vickerman introduced--
S.F. No. 1095: Referred to the Committee on Transportation.

1 A bill for an act
2 relating to drivers' licenses; authorizing
3 commissioner of public safety to waive road test for
4 licensed military personnel; amending Minnesota
5 Statutes 2004, section 171.13, subdivision 1a.
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
7 Section 1. Minnesota Statutes 2004, section 171.13,
8 subdivision 1a, is amended to read:
9 Subd. 1a. [WAIVER WHEN LICENSE ISSUED BY ANOTHER
10 JURISDICTION.] (a) The commissioner may waive the requirement
11 that the applicant demonstrate ability to exercise ordinary and
12 reasonable control in the operation of a motor vehicle on
13 determining that the applicant possesses a valid driver's
14 license issued by a jurisdiction that requires a comparable
15 demonstration for license issuance.
16 (b) For purposes of this subdivision, "jurisdiction"
17 includes, but is not limited to, both the active and reserve
18 components of any branch or unit of the United States armed
19 forces, and "valid driver's license" includes any driver's
20 license that is recognized by that branch or unit as currently
21 being valid, or as having been valid at the time of the
22 applicant's separation or discharge from the military within a
23 period of time deemed reasonable and fair by the commissioner,
24 up to and including one year past the date of the applicant's
25 separation or discharge.

1 [EFFECTIVE DATE.] This section is effective the day
2 following final enactment.

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 1425 – Classifying Certain Data of the Department of Transportation

Author: Senator Julianne Ortman

Prepared by: Amy Vennewitz, Fiscal Analyst (651/296-7681) *Amv*
Bonnie Berezovsky, Senate Counsel (651/296-9191)

Date: March 29, 2005

Section 1 specifies that when the department of transportation undertakes a design-build project, the statement of qualification evaluation criteria, scoring methodology and evaluations and technical proposal evaluation criteria, scoring methodology and evaluations are classified as protected nonpublic data with regard to data not on individuals and as confidential data on individuals. The statement of qualification evaluation criteria, scoring methodology and evaluations and technical proposal evaluation criteria, scoring methodology and evaluations become public when the project is awarded.

Section 2 specifies that all data received, created or maintained by the department during the course of providing mediation services to employees are classified as protected nonpublic data with regard to data not on individuals and as confidential data on individuals.

Section 3 specifies that when the commissioner of transportation determines that the design build best value method of project delivery is appropriate for a project, data deemed by the commissioner as necessary to preserve the design-build process integrity is classified as nonpublic data with regard to data not on individuals and as confidential data on individuals, until the department publishes the information as part of the request for proposals. The commissioner may release design-build data to counties, cities and other parties to facilitate project development. The released data retain their classification until the department publishes the information as part of the request for proposals process.

Section 4 specifies that certain data pertaining to applicants for, or users of, toll facilities and high occupancy vehicle lanes are classified as nonpublic data with regard to data not on individuals and as private data with regard to data on individuals.

Senators Ortman, Robling, Murphy and Betzold introduced--
S.F. No. 1425: Referred to the Committee on Transportation.

1 A bill for an act

2 relating to government data practices; classifying
3 certain data of the Department of Transportation;
4 amending Minnesota Statutes 2004, sections 13.591, by
5 adding a subdivision; 13.72, by adding subdivisions.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

7 Section 1. Minnesota Statutes 2004, section 13.591, is
8 amended by adding a subdivision to read:

9 Subd. 4. [DESIGN-BUILD TRANSPORTATION PROJECT.] When the
10 Department of Transportation undertakes a design-build
11 transportation project as defined in section 161.3410,
12 subdivision 6, the statement of qualification evaluation
13 criteria and scoring methodology, statement of qualification
14 evaluations, technical proposal evaluation criteria and scoring
15 methodology, and technical proposal evaluations are classified
16 as protected nonpublic data with regard to data not on
17 individuals and as confidential data on individuals. The
18 statement of qualification evaluation criteria and scoring
19 methodology, statement of qualification evaluations, technical
20 proposal evaluation criteria and scoring methodology, and
21 technical proposal evaluations become public when the project is
22 awarded.

23 Sec. 2. Minnesota Statutes 2004, section 13.72, is amended
24 by adding a subdivision to read:

25 Subd. 11. [MEDIATION DATA.] All data received, created, or

1 maintained by the commissioner of transportation or staff during
2 the course of providing mediation services to employees are
3 classified as protected nonpublic data with regard to data not
4 on individuals and confidential data on individuals.

5 Sec. 3. Minnesota Statutes 2004, section 13.72, is amended
6 by adding a subdivision to read:

7 Subd. 12. [TRANSPORTATION DEPARTMENT DATA.] When the
8 commissioner of transportation determines that the design-build
9 best value method of project delivery is appropriate for a
10 project under sections 161.3410 to 161.3428, project
11 right-of-way work maps, acquisition plat maps, relocation
12 reports, computations for relocation supplements, computations
13 for replacement housing, planimetric files, digital terrain
14 models, preliminary design drawings, and other data deemed by
15 the commissioner as necessary to preserve the design-build
16 process integrity are classified as protected nonpublic data
17 with regard to data not on individuals and confidential data on
18 individuals until the department publishes the information as
19 part of the request for proposal process. The commissioner may
20 release design-build data to counties, cities, and other parties
21 as necessary to facilitate project development. The released
22 data retain their classification as protected nonpublic data
23 with regard to data not on individuals and confidential data on
24 individuals until the department publishes the information as
25 part of the request for proposal process.

26 Sec. 4. Minnesota Statutes 2004, section 13.72, is amended
27 by adding a subdivision to read:

28 Subd. 13. [ACCOUNT INFORMATION.] The following data
29 pertaining to applicants for or users of toll facilities, and
30 high-occupancy vehicle lanes for which a user fee is charged
31 under section 169.03, are classified as nonpublic data with
32 regard to data not on individuals and as private data with
33 regard to data on individuals: information contained in
34 applications for the purchase, lease, or rental of a device such
35 as an electronic vehicle transponder which automatically
36 assesses charges for a vehicle's use of toll roads; personal and

- 1 vehicle identification information; financial and credit
- 2 information; and toll road usage information.

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

**S.F. No. 578 - Allowing Local Authorities to Set Speed
Limits on Local Roads**

Author: Senator Richard J. Cohen

Prepared by: Bonnie Berezovsky, Senate Counsel (651/296-9191) *BB*
Amy Vennewitz, Fiscal Analyst (651/296-7681)

Date: March 29, 2005

Section 1 changes the statutory definition of "residential roadway" by removing the length limitation of less than one-half mile. The statutory speed limit for residential roadways is 25 miles per hour, if adopted by the road authority with jurisdiction over the residential roadway.

Section 2 allows local authorities to set speed limits on any street or highway within their jurisdiction that is not a trunk highway, if the local authorities believe the existing speed limit is not safe and reasonable. The section eliminates the requirement of an engineering and traffic investigation, and eliminates the requirement of approval of a new speed limit by the Commissioner of Transportation.

BB/AV:rer

Senator Cohen introduced--

S.F. No. 578: Referred to the Committee on Transportation.

1 A bill for an act

2 relating to traffic regulations; modifying definition
3 of residential roadway; authorizing local authorities
4 to establish speed limits on residential roadways;
5 amending Minnesota Statutes 2004, sections 169.01,
6 subdivision 81; 169.14, subdivision 5.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

8 Section 1. Minnesota Statutes 2004, section 169.01,
9 subdivision 81, is amended to read:

10 Subd. 81. [RESIDENTIAL ROADWAY.] "Residential roadway"
11 means a street or portion of a street that is ~~less-than-one-half~~
12 ~~mile-in-length-and-is~~ functionally classified as a local street
13 by the road authority having jurisdiction.

14 Sec. 2. Minnesota Statutes 2004, section 169.14,
15 subdivision 5, is amended to read:

16 Subd. 5. [ZONING WITHIN LOCAL AREA.] When local
17 authorities believe that the existing speed limit upon any
18 street or highway, or part thereof, within their respective
19 jurisdictions and not a part of the trunk highway system is
20 greater or less than is reasonable or safe under existing
21 conditions, they may ~~request~~ direct the commissioner to
22 ~~authorize, upon the basis of an engineering and traffic~~
23 ~~investigation,~~ the erection of appropriate signs designating
24 what speed is reasonable and safe, as determined by the local
25 authorities, and the commissioner may shall authorize the
26 erection of appropriate signs designating a reasonable and safe

1 speed limit thereat, which speed limit shall be effective when
2 such signs are erected. Any speeds in excess of these speed
3 limits shall be prima facie evidence that the speed is not
4 reasonable or prudent and that it is unlawful; except that any
5 speed limit within any municipality shall be a maximum limit and
6 any speed in excess thereof shall be unlawful. ~~Alteration-of~~
7 ~~speed-limits-on-streets-and-highways-shall-be-made-only-upon~~
8 ~~authority-of-the-commissioner-except-as-provided-in-subdivision~~
9 5a.

1 Senator moves to amend S.F. No. 578 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 2004, section 169.01,
4 subdivision 81, is amended to read:

5 Subd. 81. [RESIDENTIAL ROADWAY.] "Residential roadway"
6 means a street or portion of a street that is ~~less-than-one-half~~
7 ~~mile-in-length-and-is~~ functionally classified as a local street
8 by the road authority having jurisdiction.

9 Sec. 2. Minnesota Statutes 2004, section 169.14,
10 subdivision 2, is amended to read:

11 Subd. 2. [SPEED LIMITS.] (a) Where no special hazard
12 exists the following speeds shall be lawful, but any speeds in
13 excess of such limits shall be prima facie evidence that the
14 speed is not reasonable or prudent and that it is unlawful;
15 except that the speed limit within any municipality shall be a
16 maximum limit and any speed in excess thereof shall be unlawful:

17 (1) 30 miles per hour in an urban district or on a town
18 road in a rural residential district;

19 (2) 65 miles per hour on noninterstate freeways and
20 expressways, as defined in section 160.02, subdivision 19;

21 (3) 55 miles per hour in locations other than those
22 specified in this section;

23 (4) 70 miles per hour on interstate highways outside the
24 limits of any urbanized area with a population of greater than
25 50,000 as defined by order of the commissioner of
26 transportation;

27 (5) 65 miles per hour on interstate highways inside the
28 limits of any urbanized area with a population of greater than
29 50,000 as defined by order of the commissioner of
30 transportation; and

31 (6) ten miles per hour in alleys; ~~and~~

32 ~~{7}-25-miles-per-hour-in-residential-roadways-if-adopted-by~~
33 ~~the-road-authority-having-jurisdiction-over-the-residential~~
34 ~~roadway.~~

35 (b) ~~A-speed-limit-adopted-under-paragraph-(a);-clause-(7);~~
36 ~~is-not-effective-unless-the-road-authority-has-erected-signs~~

1 ~~designating-the-speed-limit-and-indicating-the-beginning-and-end~~
2 ~~of-the-residential-roadway-on-which-the-speed-limit-applies.~~

3 (e) For purposes of this subdivision, "rural residential
4 district" means the territory contiguous to and including any
5 town road within a subdivision or plat of land that is built up
6 with dwelling houses at intervals of less than 300 feet for a
7 distance of one-quarter mile or more.

8 Sec. 3. Minnesota Statutes 2004, section 169.14,
9 subdivision 5, is amended to read:

10 Subd. 5. [ZONING WITHIN LOCAL AREA.] Except as otherwise
11 provided in subdivision 5f for residential roadways, when local
12 authorities believe that the existing speed limit upon any
13 street or highway, or part thereof, within their respective
14 jurisdictions and not a part of the trunk highway system is
15 greater or less than is reasonable or safe under existing
16 conditions, they may request the commissioner to authorize, upon
17 the basis of an engineering and traffic investigation, the
18 erection of appropriate signs designating what speed is
19 reasonable and safe, and the commissioner may authorize the
20 erection of appropriate signs designating a reasonable and safe
21 speed limit thereat, which speed limit shall be effective when
22 such signs are erected. Any speeds in excess of these speed
23 limits shall be prima facie evidence that the speed is not
24 reasonable or prudent and that it is unlawful; except that any
25 speed limit within any municipality shall be a maximum limit and
26 any speed in excess thereof shall be unlawful. Alteration of
27 speed limits on streets and highways shall be made only upon
28 authority of the commissioner except as provided in subdivision
29 5a.

30 Sec. 4. Minnesota Statutes 2004, section 169.14, is
31 amended by adding a subdivision to read:

32 Subd. 5f. [RESIDENTIAL ROADWAY ZONING.] When a road
33 authority believes that the existing speed limit upon any
34 residential roadway, or part thereof, within its jurisdiction,
35 is greater or less than is reasonable or safe under existing
36 conditions, it may:

- 1 (1) adopt a speed limit of 25 miles per hour; or
- 2 (2) establish and adopt a speed limit that is reasonable
- 3 and safe, taking into account the results of an engineering and
- 4 traffic investigation conducted by the road authority.

5 The speed limit on the residential roadway is effective
6 when the road authority erects appropriate signs designating the
7 speed limit and indicating the beginning and end of the portion
8 of the residential roadway to which the speed limit applies.
9 Any speed in excess of this speed limit is prima facie evidence
10 that the speed is not reasonable and prudent and that it is
11 unlawful; except that any speed limit within any municipality
12 shall be a maximum limit and any speed in excess of the speed
13 limit is unlawful."

14 Amend the title accordingly

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 1724 - Van-Only Disability Parking Spaces

Author: Senator David Gaither

Prepared by: Bonnie Berezovsky, Senate Counsel (651/296-9191) *BB*
Amy Vennewitz, Fiscal Analyst (651/296-7681)

Date: March 29, 2005

Section 1 provides that only a van, displaying disability license plates, and specially modified for and used exclusively by a permanently physically disabled person, may be parked in a designated van-only parking space for disabled persons. A van, for this purpose, is defined as a vehicle with box-like design, no barrier between the operator's area and the remainder of the interior, with a manufacturer's nominal rated carrying capacity of one ton or less.

Section 2 declares it a misdemeanor for a person to park a motor vehicle that is not a van, within the meaning of section 1, in a parking space designated as van only or van accessible. A violator is fined a minimum of \$100, maximum of \$200.

Section 3 requires parking spaces reserved for vans within the meaning of section 1 to be identified by the disability parking space signs required by current law, with the addition of a "van only" or "van accessible" sign. Signs sold after August 1, 2005, must conform to this section.

BB/AV:rer

Senators Gaither, Berglin, LeClair, Lourey and Ourada introduced--
S.F. No. 1724: Referred to the Committee on Transportation.

1 A bill for an act

2 relating to traffic regulations; limiting parking in
3 special van-only handicapped parking spaces to vans
4 specially modified for handicapped persons; making
5 clarifying and technical changes; imposing a penalty;
6 amending Minnesota Statutes 2004, sections 169.345,
7 subdivision 1; 169.346, subdivisions 1, 2.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

9 Section 1. Minnesota Statutes 2004, section 169.345,
10 subdivision 1, is amended to read:

11 Subdivision 1. [SCOPE OF PRIVILEGE.] (a) Except as
12 provided to the contrary in paragraph (c) or (d), a vehicle that
13 prominently displays the certificate authorized by this section
14 or that bears license plates issued under section 168.021, may
15 be parked by or solely for the benefit of a physically disabled
16 person:

17 (1) in a designated parking space for disabled persons, as
18 provided in section 169.346;

19 (2) in a metered parking space without obligation to pay
20 the meter fee and without time restrictions unless time
21 restrictions are separately posted on official signs; and

22 (3) without time restrictions in a nonmetered space where
23 parking is otherwise allowed for passenger vehicles but
24 restricted to a maximum period of time and which does not
25 specifically prohibit the exercise of disabled parking
26 privileges in that space.

1 A person may park a vehicle for a physically disabled person in
2 a parking space described in clause (1) or (2) only when
3 actually transporting the physically disabled person for the
4 sole benefit of that person and when the parking space is within
5 a reasonable distance from the drop-off point.

6 (b) For purposes of this subdivision, a certificate is
7 prominently displayed if it is displayed so that it may be
8 viewed from the front and rear of the vehicle by hanging it from
9 the rearview mirror attached to the front windshield of the
10 vehicle, section 169.71, subdivision 1, to the contrary
11 notwithstanding. If there is no rearview mirror or if the
12 certificate holder's disability precludes placing the
13 certificate on the mirror, the placard must be displayed on the
14 dashboard on the driver's side of the vehicle. No part of the
15 certificate may be obscured.

16 (c) Notwithstanding paragraph (a), clauses (1), (2), and
17 (3), this section does not permit parking in areas prohibited by
18 sections section 169.32 and or 169.34, in designated no parking
19 spaces, or in parking spaces reserved for specialty modified
20 vans under paragraph (d) or for other specified purposes or
21 vehicles. A local governmental unit may, by ordinance, prohibit
22 parking on any street or highway to create a fire lane, or to
23 accommodate heavy traffic during morning and afternoon rush
24 hours and these ordinances also apply to physically disabled
25 persons.

26 (d) In addition to the parking authority granted under
27 paragraph (a), a van displaying plates issued under section
28 168.021, that is specially modified for and used exclusively by
29 a permanently physically disabled person, and only such van, may
30 be parked by or solely for the benefit of that person in a
31 designated van-only parking space for disabled persons. For
32 purposes of this section and section 169.346, "van" means any
33 vehicle that has a box-like design with no barrier or separation
34 between the operator's area and the remainder of the
35 cargo-carrying or passenger-carrying area and that has a
36 manufacturer's nominal rated carrying capacity of one ton or

1 less.

2 Sec. 2. Minnesota Statutes 2004, section 169.346,
3 subdivision 1, is amended to read:

4 Subdivision 1. [DISABILITY PARKING SPACE PROHIBITIONS.]

5 (a) A person shall not:

6 (1) park a motor vehicle in or obstruct access to a parking
7 space designated and reserved for the physically disabled, on
8 either private or public property;

9 (2) park a motor vehicle in or obstruct access to an area
10 designated by a local governmental unit as a transfer zone for
11 disabled persons;

12 (3) exercise the parking privilege provided in section
13 169.345, unless:

14 (i) that person is a physically disabled person as defined
15 in section 169.345, subdivision 2, or the person is transporting
16 or parking a vehicle for a physically disabled person; and

17 (ii) the vehicle visibly displays one of the following: a
18 license plate issued under section 168.021, a certificate issued
19 under section 169.345, a temporary permit valid for 30 days
20 issued under section 168.021 or 169.345, or an equivalent
21 certificate, insignia, or license plate issued by another state,
22 a foreign country, or one of its political subdivisions; or

23 (4) park a motor vehicle in an area used as a regular route
24 transit stopping point where a transit vehicle that is
25 accessible to the physically disabled regularly stops and a sign
26 that bears the international symbol of access in white on blue
27 is posted. A sign posted under this clause may display other
28 information relating to the regular route transit service. For
29 purposes of this clause, an area used as a regular route transit
30 stopping point consists of the 80 feet immediately preceding the
31 sign described in this clause.

32 (b) A person, whether disabled or not, shall not park a
33 motor vehicle that is not a van described in section 169.345,
34 subdivision 1, in a parking space designated as "van only" or
35 "van accessible" and reserved for a physically disabled person
36 who is operating or being transported in a specially modified

1 van described in that subdivision. A person who violates this
2 paragraph is guilty of a misdemeanor and subject to a penalty
3 under subdivision 3.

4 Sec. 3. Minnesota Statutes 2004, section 169.346,
5 subdivision 2, is amended to read:

6 Subd. 2. [DISABILITY PARKING SPACE SIGNS.] (a) Parking
7 spaces reserved for physically disabled persons must be
8 designated and identified by the posting of signs incorporating
9 the international symbol of access in white on blue and
10 indicating that violators are subject to a fine of up to \$200.
11 These parking spaces are reserved for disabled persons with
12 vehicles displaying the required certificate, license plates,
13 temporary permit valid for 30 days, or insignia. In addition,
14 parking spaces reserved only for physically disabled persons
15 operating or being transported in vans described in section
16 169.345, subdivision 1, paragraph (d), must be further
17 identified by the posting of an additional "van only" or "van
18 accessible" sign. Signs sold after August 1, ~~1991~~ 2005, must
19 conform to the design requirements in this paragraph.

20 (b) For purposes of this subdivision, a parking space that
21 is clearly identified as reserved for physically disabled
22 persons by a permanently posted sign that does not meet all
23 design standards, is considered designated and reserved for
24 physically disabled persons. A sign posted for the purpose of
25 this section must be visible from inside a vehicle parked in the
26 space, be kept clear of snow or other obstructions which block
27 its visibility, and be nonmovable or only movable by authorized
28 persons.

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 1506 - Parking For Persons With Disabilities

Author: Senator Claire A. Robling

Prepared by: Bonnie Berezovsky, Senate Counsel (651/296-9191) *BB*
Amy Vennewitz, Fiscal Analyst (651/296-7681)

Date: March 29, 2005

Section 1 makes technical changes, including replacing “handicapped” with “disabled.”

Section 2 makes technical changes.

Section 3 includes a definition of “commissioner” in Minnesota Statutes, chapter 168 (vehicle registration) as the Commissioner of Public Safety.

Section 4 makes technical changes in Minnesota Statutes, chapter 168 definitions.

Section 5 makes technical and clarifying changes.

Subdivision 1 prohibits the commissioner from issuing more than one set of disability plates simultaneously to an owner of a vehicle, unless all the owner’s vehicles have been modified for and are used exclusively by a permanently physically disabled person.

Subdivision 2a eliminates the requirement that a person who buys a vehicle for which disability plates have been issued must repay the \$1/month credit for the remainder of the registration period. This subdivision also strikes the provision under which a transferor of a vehicle with disability plates may not receive a \$1/month credit for the remainder of the registration period until renewal or first registration on the replacement vehicle.

Subdivision 2b eliminates the requirement that an owner who becomes ineligible for disability plates return the plates and repay the \$1/month credit for the remainder of the registration period for which disability plates were issued.

Section 6 makes a technical change.

Section 7, Subdivision 2, establishes new definitions for the section of law relating to plates for persons with disabilities. Terms defined are:

- “Health professional” meaning physician, physician assistant, advanced practice registered nurse, or chiropractor;
- “Intermediate-term certificate” is issued for a period from 12-71 months;
- “Long-term certificate” is issued for six years;
- “Organization certificate” is issued for three years;
- “Permit” is issued for 30 days, while an application is being processed;
- “Short-term certificate” is issued for a period from 6-12 months; and
- “Temporary certificate” is issued for a period less than six months.

Subdivision 3 allows an applicant to receive up to two certificates, if the applicant has not been issued disability plates. The driver of a vehicle displaying a certificate is entitled to disability parking privileges only while transporting a physically disabled person. The commissioner must cancel all certificates issued to an applicant who fails to comply with this subdivision.

Subdivision 3a allows an organization that provides transportation to one or more disabled persons to apply for organization certificates for its motor vehicles. Application is made by a signed certificate of intent, stating the number of certificates requested, stating:

- the number of requested certificates;
- that certificates will be used solely for the benefit of physically disabled persons;
- that the organization will report lost or stolen certificates within 24 hours of discovery;
- that the organization will report suspected misuse of any certificate; and
- a description of the organization’s internal controls to ensure proper use of issued certificates, including record keeping of vehicle and driver information.

The commissioner must cancel certificates issued to an organization that fails to comply with the requirements of this subdivision.

Subdivision 3c clarifies that the \$5 fee applies to each organization certificate, each temporary certificate, and each short-term certificate, as well as to issuance of a duplicate organization, temporary, or short-term certificate. Current language is stricken that exempts a person who paid a fee for a temporary permit from paying a fee for a certificate.

Subdivision 4 adds a representative of the Minnesota State Council on Disability to the list of people authorized to report to the commissioner on improper use of a disability certificate, permit, or plate or the termination of eligibility of an applicant. The commissioner may cancel the certificate, permit, or plates for the holder’s improper use, fraud, death, departure from Minnesota, or failure to comply with requirements of this section; or for departmental error.

Section 8 adds a prohibition against parking or obstructing access to an access aisle associated with a parking space reserved for the physically disabled. New language prohibits altering a disability parking certificate.

Section 9 makes technical changes and removes obsolete language.

Section 10 adds clarifying language to the law imposing a penalty on the owner or manager of property. The duty to ensure that parking spaces for the disabled are free from obstruction applies to the associated access aisle as well. Failure to properly post the parking space is a misdemeanor.

Section 11 makes technical and clarifying changes.

BB/AV:rer

Senator Robling introduced--

S.F. No. 1506: Referred to the Committee on Transportation.

1 A bill for an act
 2 relating to motor vehicles; modifying and simplifying
 3 provisions related to parking for persons with
 4 disabilities; making technical and clarifying changes;
 5 amending Minnesota Statutes 2004, sections 85.052,
 6 subdivision 3; 85.053, subdivision 7; 168.011,
 7 subdivision 4, by adding a subdivision; 168.021;
 8 168.33, subdivision 8; 169.345; 169.346, subdivisions
 9 1, 2, 2a, 3.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

11 Section 1. Minnesota Statutes 2004, section 85.052,
 12 subdivision 3, is amended to read:

13 Subd. 3. [FEE FOR CERTAIN PARKING AND CAMPSITE USE.] (a)
 14 An individual using spaces in state parks under subdivision 1,
 15 clause (2), shall be charged daily rates determined and set by
 16 the commissioner in a manner and amount consistent with the type
 17 of facility provided for the accommodation of guests in a
 18 particular park and with similar facilities offered for tourist
 19 camping and similar use in the area.

20 (b) The fee for special parking spurs, campgrounds for
 21 automobiles, sites for tent camping, and special auto trailer
 22 coach parking spaces is one-half of the fee set in paragraph (a)
 23 on Sunday through Thursday of each week for a physically
 24 handicapped disabled person:

25 (1) with a motor vehicle that has ~~special~~ disability plates
 26 issued under section 168.021, subdivision 1; or

27 (2) who possesses a certificate issued under section

1 169.3457--subdivision-3.

2 Sec. 2. Minnesota Statutes 2004, section 85.053,
3 subdivision 7, is amended to read:

4 Subd. 7. [~~HANDICAPPED~~ DISABLED PERSONS.] (a) The
5 commissioner shall prescribe and issue special state park
6 permits for:

7 (1) a physically ~~handicapped~~ disabled person with a motor
8 vehicle (i) that has ~~special~~ disability plates issued under
9 section 168.021, subdivision 1, or (ii) who has a permanent
10 disability certificate issued under section 169.3457--subdivision
11 37, and who can demonstrate proof of ownership of the vehicle for
12 which the state park permit is being purchased or proof of a
13 leasehold interest in the vehicle for a term at least as long as
14 the term of the permit; and

15 (2) a physically ~~handicapped~~ disabled person who: (i) does
16 not own or operate a motor vehicle; (ii) possesses a statement
17 certified under section 169.345, subdivision 2a; and (iii)
18 applies to the commissioner in writing.

19 (b) Except for vehicles permitted under paragraph (a),
20 clause (2), the permit or the decal issued under this
21 subdivision is valid only when displayed on a vehicle owned and
22 occupied by the person to whom the permit is issued.

23 Sec. 3. Minnesota Statutes 2004, section 168.011, is
24 amended by adding a subdivision to read:

25 Subd. 2a. [COMMISSIONER.] "Commissioner" means the
26 commissioner of the Minnesota Department of Public Safety.

27 Sec. 4. Minnesota Statutes 2004, section 168.011,
28 subdivision 4, is amended to read:

29 Subd. 4. [MOTOR VEHICLE.] (a) "Motor vehicle" means any
30 self-propelled vehicle designed and originally manufactured to
31 operate primarily ~~upon public roads and~~ on highways, and not
32 operated exclusively upon railroad tracks. It includes any
33 vehicle propelled or drawn by a self-propelled vehicle and
34 includes vehicles known as trackless trolleys that are propelled
35 by electric power obtained from overhead trolley wires but not
36 operated upon rails. It does not include snowmobiles,

1 manufactured homes, or park trailers.

2 (b) "Motor vehicle" ~~also~~ includes an all-terrain vehicle~~7~~
 3 ~~as-defined-in-section-84.927-subdivision-87-that~~ only if the
 4 all-terrain vehicle (1) has at least four wheels, (2) is owned
 5 and operated by a physically disabled person, and (3) displays
 6 both ~~physically-disabled-license~~ disability plates and a
 7 physically disabled certificate issued under section 169.345~~7~~
 8 ~~subdivision-3~~.

9 (c) "Motor vehicle" does not include an all-terrain vehicle
 10 ~~as-defined-in-section-84.927-subdivision-87~~, except (1) an
 11 all-terrain vehicle described in paragraph (b), or (2) an
 12 all-terrain vehicle licensed as a motor vehicle before August 1,
 13 1985. The owner may continue to license an all-terrain vehicle
 14 described in clause (2) as a motor vehicle until it is conveyed
 15 or otherwise transferred to another owner, is destroyed, or
 16 fails to comply with the registration and licensing requirements
 17 of this chapter.

18 (d) "Motor vehicle" does not include an electric personal
 19 assistive mobility device as defined in section 169.01,
 20 subdivision 90.

21 Sec. 5. Minnesota Statutes 2004, section 168.021, is
 22 amended to read:

23 168.021 [LICENSE PLATES FOR PHYSICALLY DISABLED PERSONS.]

24 Subdivision 1. [SPECIAL DISABILITY PLATES; APPLICATION.]

25 (a) When a motor vehicle registered under section 168.017, a
 26 motorcycle, a truck having a manufacturer's nominal rated
 27 capacity of one ton and resembling a pickup truck, or a
 28 self-propelled recreational vehicle is owned or primarily
 29 operated by a permanently physically disabled person or a
 30 custodial parent or guardian of a permanently physically
 31 disabled minor, the owner may apply for and secure from
 32 the ~~registrar-of-motor-vehicles~~ commissioner (1) immediately, a
 33 temporary permit valid for 30 days~~7~~, if the applicant is eligible
 34 for the ~~special~~ disability plates issued under this
 35 ~~paragraph~~, section and (2) two ~~license~~ disability plates with
 36 attached emblems, one plate to be attached to the front, and one

1 to the rear of the motor vehicle.

2 (b) The commissioner shall not issue more than one set of
 3 plates to any owner of a motor vehicle at the same time unless
 4 all motor vehicles have been specifically modified for and are
 5 used exclusively by a permanently physically disabled person.

6 (c) When the owner first applies for the disability plates,
 7 the owner must submit a physician's medical statement on-a-form
 8 developed in a format approved by the commissioner under section
 9 169.345, or proof of physical disability provided for in that
 10 section, ~~except that.~~

11 (d) No physician's medical statement or proof of disability
 12 is required when an owner of a motor vehicle applies for plates
 13 for one or more ~~commercial~~ motor vehicles that are specially
 14 modified for and used exclusively by permanently physically
 15 disabled persons.

16 ~~(b)~~ (e) The owner of a motor vehicle may apply for and
 17 secure (i) immediately, a temporary permit valid for 30 days, if
 18 the person applicant is eligible to receive the special
 19 disability plates issued under this paragraph section, and (ii)
 20 a set of special disability plates for a motor vehicle if:

21 (1) the owner employs a permanently physically disabled
 22 person who would qualify for special disability plates under
 23 this section; and

24 (2) the owner furnishes the motor vehicle to the physically
 25 disabled person for the exclusive use of that person in the
 26 course of employment.

27 Subd. 1a. [SCOPE OF PRIVILEGE.] If a physically disabled
 28 person parks a motor vehicle displaying ~~license~~ the disability
 29 plates described in this section, or a temporary permit valid
 30 for 30 days and issued to an eligible person awaiting receipt of
 31 the ~~license~~ disability plates described in this section, or any
 32 person parks the motor vehicle for a physically disabled person,
 33 that person ~~shall-be~~ is entitled to park the motor vehicle as
 34 provided in section 169.345.

35 Subd. 2. [DESIGN OF PLATES; FURNISHING FURNISHED BY
 36 REGISTRAR COMMISSIONER.] The ~~registrar-of-motor-vehicles~~

1 commissioner shall design and furnish two ~~license-number~~
 2 disability plates with attached emblems to each eligible owner.
 3 The emblem must bear the internationally accepted wheelchair
 4 symbol, as designated in section 16B.61, subdivision 5,
 5 approximately three inches square. The emblem must be large
 6 enough to be visible plainly from a distance of 50 feet. An
 7 applicant eligible for ~~the-special~~ disability plates shall pay
 8 the motor vehicle registration fee authorized by ~~law~~ sections
 9 168.013 and 168.09.

10 Subd. 2a. [PLATE RETURN, TRANSFER.] (a) When motor vehicle
 11 ownership is transferred, the owner of the motor vehicle shall
 12 remove the ~~special~~ disability plates ~~from-the-vehicle-and-return~~
 13 ~~them-to-the-registrar.~~ The buyer of the motor vehicle shall
 14 ~~repay-the-\$1-credit-for-each-month-remaining-in-the-registration~~
 15 ~~period-for-which-the-special-plates-were-issued.--On-returning~~
 16 ~~the-plates-and-repaying-the-remaining-credit,-the-buyer~~ is
 17 entitled to receive regular plates for the motor vehicle without
 18 further cost for the rest remainder of the registration period.

19 (b) Notwithstanding section 168.12, subdivision 1, the
 20 ~~special~~ disability plates may be transferred to a replacement
 21 motor vehicle on notification to the ~~registrar~~ commissioner.
 22 However, the ~~special~~ disability plates may not be transferred
 23 unless the replacement motor vehicle (1) is ~~registered~~ listed
 24 under section ~~168.017-or-is-a-self-propelled-recreational~~
 25 ~~vehicle~~ 168.012, subdivision 1, and (2) is owned or primarily
 26 operated by the permanently physically disabled person.

27 ~~(c)-The-transferor-shall-not-receive-the-\$1-credit-for-each~~
 28 ~~month-the-replacement-vehicle-is-registered-until-the-time-of~~
 29 ~~renewal-or-first-application-for-registration-on-the-replacement~~
 30 ~~vehicle-~~

31 Subd. 2b. [WHEN NOT ELIGIBLE.] On becoming ineligible for
 32 the ~~special~~ disability plates, the owner of the motor vehicle
 33 shall remove the ~~special~~ disability plates ~~and-return-them-to~~
 34 ~~the-registrar.~~ The owner shall ~~repay-the-\$1-credit-for-each~~
 35 ~~month-remaining-in-the-registration-period-for-which-the-special~~
 36 ~~plates-were-issued.--On-returning-the-plates-and-repaying-the~~

1 ~~remaining-credit, the-owner~~ may receive regular plates for the
 2 motor vehicle without further cost for the ~~rest~~ remainder of the
 3 registration period.

4 Subd. 3. [PENALTIES FOR UNAUTHORIZED USE OF PLATES.] (a) A
 5 person who uses the disability plates or temporary permit
 6 provided under this section on a motor vehicle in violation of
 7 this section is guilty of a misdemeanor, and is subject to a
 8 fine of \$500. This subdivision does not preclude a person who
 9 is not physically disabled from operating a motor vehicle
 10 bearing the disability plates or temporary permit if:

11 (1) the person is the owner of the motor vehicle and
 12 permits its operation by a physically disabled person;

13 (2) the person operates the motor vehicle with the consent
 14 of the owner who is physically disabled; or

15 (3) the person is the owner of the motor vehicle, is the
 16 custodial parent or guardian of a permanently physically
 17 disabled minor, and operates the motor vehicle to transport the
 18 minor.

19 (b) A driver who is not disabled is not entitled to the
 20 parking privileges provided in this section and in section
 21 169.346 unless parking the motor vehicle for a physically
 22 disabled person.

23 Subd. 4. [FEES; DISPOSITION.] All fees collected from the
 24 sale of disability plates under this section ~~shall~~ must be
 25 deposited in the state treasury to the credit of the highway
 26 user tax distribution fund.

27 Subd. 5. [DEFINITIONS.] For the purposes of this section,
 28 the term "physically disabled person" has the meaning given it
 29 in section 169.345, subdivision 2.

30 Subd. 6. [DRIVER'S LICENSE LAW NOT AFFECTED.] ~~Nothing-in~~
 31 This section ~~shall~~ must not be construed to revoke, limit, or
 32 amend chapter 171.

33 Sec. 6. Minnesota Statutes 2004, section 168.33,
 34 subdivision 8, is amended to read:

35 Subd. 8. [TEMPORARY DISABILITY PERMIT AND FEE.] The
 36 ~~registrar~~ commissioner shall allow deputy registrars to

1 implement and follow procedures for processing applications and
2 accepting and remitting fee payments for ~~30-day-temporary~~
3 disability ~~permits~~ certificates issued under section 169.345,
4 subdivision ~~37-paragraph-(e)~~ 3c, that are identical or
5 substantially similar to the procedures required by rule for
6 motor vehicle registration and titling transactions.

7 Sec. 7. Minnesota Statutes 2004, section 169.345, is
8 amended to read:

9 169.345 [PARKING PRIVILEGE FOR PHYSICALLY DISABLED.]

10 Subdivision 1. [SCOPE OF PRIVILEGE.] (a) A motor vehicle
11 that prominently displays the certificate authorized by this
12 section or that bears ~~license~~ disability plates issued under
13 section 168.021, may be parked by or solely for the benefit of a
14 physically disabled person:

15 (1) in a designated parking space for disabled persons, as
16 provided in section 169.346;

17 (2) in a metered parking space without obligation to pay
18 the meter fee and without time restrictions unless time
19 restrictions are separately posted on official signs; and

20 (3) without time restrictions in a nonmetered space where
21 parking is otherwise allowed for passenger vehicles but
22 restricted to a maximum period of time and ~~which~~ that does not
23 specifically prohibit the exercise of disabled parking
24 privileges in that space.

25 A person may park a motor vehicle for a physically disabled
26 person in a parking space described in clause (1) or (2) only
27 when actually transporting the physically disabled person for
28 the sole benefit of that person and when the parking space is
29 within a reasonable distance from the drop-off point.

30 (b) For purposes of this subdivision, a certificate is
31 prominently displayed if it is displayed so that it may be
32 viewed from the front and rear of the motor vehicle by hanging
33 it from the rearview mirror attached to the front windshield of
34 the motor vehicle. If there is no rearview mirror or if the
35 certificate holder's disability precludes placing the
36 certificate on the mirror, the ~~placard~~ certificate must be

1 displayed on the dashboard on the driver's side of the vehicle.
2 No part of the certificate may be obscured.

3 (c) Notwithstanding paragraph (a), clauses (1), (2), and
4 (3), this section does not permit parking in areas prohibited by
5 sections 169.32 and 169.34, in designated no parking spaces, or
6 in parking spaces reserved for specified purposes or vehicles.
7 A local governmental unit may, by ordinance, prohibit parking on
8 any street or highway to create a fire lane, or to accommodate
9 heavy traffic during morning and afternoon rush hours and these
10 ordinances also apply to physically disabled persons.

11 Subd. 2. [DEFINITIONS.] (a) For the purpose of section
12 168.021 and this section, the following terms have the meanings
13 given them in this subdivision.

14 (b) "Health professional" means a licensed physician,
15 registered physician assistant, advanced practice registered
16 nurse, or licensed chiropractor.

17 (c) "Intermediate-term certificate" means a certificate
18 issued for a period greater than 12 months but not greater than
19 71 months.

20 (d) "Long-term certificate" means a certificate issued for
21 a period of six years.

22 (e) "Organization certificate" means a certificate issued
23 to an entity other than a natural person for a period of three
24 years.

25 (f) "Permit" refers to a permit that is issued for a period
26 of 30 days, in lieu of the certificate referred to in
27 subdivision 3, while the application is being processed.

28 (g) "Physically disabled person" means a person who:

29 (1) because of disability cannot walk without significant
30 risk of falling;

31 (2) because of disability cannot walk 200 feet without
32 stopping to rest;

33 (3) because of disability cannot walk without the aid of
34 another person, a walker, a cane, crutches, braces, a prosthetic
35 device, or a wheelchair;

36 (4) is restricted by a respiratory disease to such an

1 extent that the person's forced (respiratory) expiratory volume
2 for one second, when measured by spirometry, is less than one
3 liter;

4 (5) has an arterial oxygen tension (PAO2) of less than 60
5 mm/Hg on room air at rest;

6 (6) uses portable oxygen;

7 (7) has a cardiac condition to the extent that the person's
8 functional limitations are classified in severity as class III
9 or class IV according to standards set by the American Heart
10 Association;

11 (8) has lost an arm or a leg and does not have or cannot
12 use an artificial limb; or

13 (9) has a disability that would be aggravated by walking
14 200 feet under normal environmental conditions to an extent that
15 would be life threatening.

16 (h) "Short-term certificate" means a certificate issued for
17 a period greater than six months but not greater than 12 months.

18 (i) "Temporary certificate" means a certificate issued for
19 a period not greater than six months.

20 Subd. 2a. [HEALTH PROFESSIONAL'S MEDICAL STATEMENT.] (a)
21 The commissioner shall develop a form format for the
22 physician's-physician-assistant's-advanced-practice-registered
23 nurse's-or-chiropractor's medical statement. The medical
24 statement must be signed by a licensed-physician-registered
25 physician-assistant-advanced-practice-registered-nurse-or
26 licensed-chiropractor health professional who certifies that the
27 applicant is a physically disabled person as defined in
28 subdivision 2. The commissioner may request additional
29 information from the physician-physician-assistant-advanced
30 practice-registered-nurse-or-chiropractor health professional
31 if needed to verify the applicant's eligibility. The medical
32 statement that the applicant is a physically disabled person
33 must specify whether the disability is permanent or temporary,
34 and, if temporary, the opinion of the physician-physician
35 assistant-advanced-practice-registered-nurse-or
36 chiropractor health professional as to the duration of the

1 disability. A ~~physician, physician-assistant, advanced-practice~~
 2 ~~registered-nurse, or chiropractor~~ health professional who
 3 fraudulently certifies to the commissioner that a person is a
 4 physically disabled person as defined in subdivision 2, and that
 5 the person is entitled to the ~~license~~ disability plates
 6 authorized by section 168.021 or to the certificate authorized
 7 by this section, is guilty of a misdemeanor and is subject to a
 8 fine of \$500.

9 (b) The commissioner may waive the requirement of providing
 10 a statement of a ~~licensed-physician, registered-physician~~
 11 ~~assistant, advanced-practice-registered-nurse, or licensed~~
 12 ~~chiropractor,~~ health professional if the applicant has
 13 previously filed with the commissioner a statement of a ~~licensed~~
 14 ~~physician, registered-physician-assistant, advanced-practice~~
 15 ~~registered-nurse, or licensed-chiropractor~~ health professional
 16 certifying that the applicant has a permanent physical
 17 disability.

18 Subd. 3. [IDENTIFYING CERTIFICATE.] (a) The ~~Division of~~
 19 ~~Driver and Vehicle Services in the Department of Public~~
 20 ~~Safety~~ commissioner shall issue (1) immediately, a temporary
 21 permit valid for 30 days, if the person is eligible for the
 22 certificate issued under this paragraph, section and (2) a
 23 ~~special~~ an identifying certificate for a motor vehicle when a
 24 physically disabled applicant submits proof of physical
 25 disability under subdivision 2a. The commissioner shall design
 26 separate certificates for persons with permanent and temporary
 27 disabilities that can be readily distinguished from each other
 28 from outside a motor vehicle at a distance of 25 feet. The
 29 ~~certificate is valid for six years, if the disability is~~
 30 ~~specified in the physician's or chiropractor's statement as~~
 31 ~~permanent, and is valid for a period not to exceed six months,~~
 32 ~~if the disability is specified as temporary~~ An applicant may be
 33 issued up to two certificates if the applicant has not been
 34 issued disability plates under section 168.021.

35 (b) The operator of a motor vehicle displaying a
 36 certificate has the parking privileges provided in subdivision 1

1 only while the motor vehicle is actually parked while
2 transporting a physically disabled person.

3 (c) The commissioner shall cancel all certificates issued
4 to an applicant who fails to comply with the requirements of
5 this subdivision.

6 Subd. 3a. [ORGANIZATION CERTIFICATES.] (a) An organization
7 providing transportation to one or more physically disabled
8 persons may apply to the commissioner for one or more
9 organization certificates for motor vehicles owned or operated
10 on behalf of the organization.

11 (b) The organization shall submit a written statement of
12 intent to the commissioner signed by an officer of the
13 organization. The statement must:

14 (1) indicate the number of certificates requested;

15 (2) state that all issued certificates must be used solely
16 for the benefit of physically disabled persons;

17 (3) state that the organization shall report lost or stolen
18 certificates to the commissioner within 24 hours of first
19 discovery; and

20 (4) state that the organization shall immediately notify
21 the commissioner of any misuse or suspected misuse of any
22 certificate issued to the organization.

23 (c) An organization shall include with the application a
24 description of the internal controls to be used to ensure the
25 proper use of certificates and to account for all issued
26 certificates. The controls must include:

27 (1) maintenance of a current list of the make, model, and
28 plate number of all motor vehicles in which a certificate issued
29 to the organization will be used; and

30 (2) maintenance of a current list of the name and driver's
31 license number of all individuals authorized to operate the
32 motor vehicle in which certificates issued to the organization
33 will be used.

34 (d) When the commissioner is satisfied that a-motor-vehicle
35 is-used-primarily-for-the-purpose-of-transporting an
36 organization will use a certificate to transport physically

1 disabled persons, the ~~division-may~~ commissioner shall issue
 2 without charge (1) immediately, a temporary permit valid for 30
 3 days, if the operator organization is eligible for the a
 4 certificate ~~issued-under-this-paragraph,~~ and (2) a-special
 5 identifying an organization certificate for the motor vehicle.
 6 ~~The-operator-of-a-vehicle-displaying-the-certificate-or~~
 7 ~~temporary-permit-has-the-parking-privileges-provided-in~~
 8 ~~subdivision-1-only-while-the-vehicle-is-actually-in-use-for~~
 9 ~~transporting-physically-disabled-persons.~~

10 (e) The certificate issued to a-person an organization
 11 transporting physically disabled persons must be renewed every
 12 third year. On original application and renewal, the
 13 person organization must present evidence that ~~the-vehicle~~ each
 14 certificate issued continues to be used ~~for-transporting~~
 15 exclusively to transport physically disabled persons.

16 When (f) The commissioner ~~of-public-safety-issues~~
 17 ~~commercial-certificates-to-an-organization,~~ the-commissioner
 18 ~~shall-require-documentation-satisfactory-to-the-commissioner~~
 19 ~~from-each-organization-that-procedures-and-controls-have-been~~
 20 ~~implemented-to-ensure-that-the-parking-privileges-available~~
 21 ~~under-this-section-will-not-be-abused.~~ shall cancel all
 22 certificates issued to an applicant who fails to comply with the
 23 requirements of this subdivision.

24 (e) Subd. 3b. [CERTIFICATE DESIGN, FORMAT, INFORMATION.] A
 25 certificate must be made of plastic or similar durable material
 26 and must bear its expiration date prominently on both sides. A
 27 ~~certificate-issued-prior-to-January-17-1994,-must-bear-its~~
 28 ~~expiration-date-prominently-on-its-face-and-will-remain-valid~~
 29 ~~until-that-date-or-December-31,-2000,-whichever-shall-come~~
 30 ~~first.~~ A certificate issued to a temporarily disabled person
 31 must display the date of expiration of the duration of the
 32 disability, as determined under ~~paragraph-(a)~~ subdivision 3 or
 33 3a. Each applicant must be provided a summary of the parking
 34 privileges and restrictions that apply to each motor vehicle for
 35 which the certificate is used.

36 Subd. 3c. [FEES; ORGANIZATION, TEMPORARY, AND SHORT-TERM

1 CERTIFICATES.] The commissioner may charge a fee of \$5 for
 2 issuance ~~or-renewal~~ of a each organization certificate or,
 3 each temporary permit, certificate, and each short-term
 4 certificate and a fee of \$5 for a duplicate to replace a lost,
 5 stolen, or damaged organization, temporary, or short-term
 6 certificate or-temporary-permit. ~~The commissioner shall not~~
 7 ~~charge a fee for issuing a certificate to a person who has paid~~
 8 ~~a fee for issuance of a temporary permit.~~ The commissioner
 9 shall not issue more than three replacement duplicate
 10 certificates for lost, stolen, or canceled certificates within
 11 any six-year period without the approval of the Minnesota State
 12 Council on Disability.

13 Subd. 4. [UNAUTHORIZED USE OR NONCOMPLIANCE; REVOCATION
 14 CANCELLATION; MISDEMEANOR.] (a) If a peace officer, authorized
 15 parking enforcement employee or agent of a statutory or home
 16 rule charter city or town, representative of the Minnesota State
 17 Council on Disability, or an authorized agent of the a citizen
 18 enforcement program under section 169.346, subdivision 4, finds
 19 that the a certificate or-temporary, permit, or disability
 20 plate is being improperly used, or the applicant is no longer
 21 eligible, the officer, municipal employee, representative, or
 22 agent shall report the violation or situation to the Division of
 23 Driver and Vehicle Services in the Department of Public Safety
 24 and the commissioner of public safety. The commissioner may
 25 revoke cancel the certificate or-temporary, permit, or
 26 disability plates issued under section 168.021 on determining
 27 that:

28 (1) the certificate, permit, or plates were used
 29 improperly;

30 (2) the certificate, permit, or plates were fraudulently
 31 obtained;

32 (3) the certificate, permit, or plates were issued in
 33 error;

34 (4) the person who was issued the certificate, permit, or
 35 plates is deceased;

36 (5) the person who was issued the certificate, permit, or

1 plates no longer maintains a Minnesota address; or

2 (6) the person or organization has failed to comply with
3 the requirements of this section.

4 (b) A person who uses the a certificate or-temporary,
5 permit, or disability plates in violation of this section is
6 guilty of a misdemeanor and is subject to a fine of \$500.

7 Sec. 8. Minnesota Statutes 2004, section 169.346,
8 subdivision 1, is amended to read:

9 Subdivision 1. [DISABILITY PARKING SPACE PROHIBITIONS.] A
10 person shall not:

11 (1) park a motor vehicle in or obstruct access to a parking
12 space or associated access aisle designated and reserved for the
13 physically disabled, on either private or public property;

14 (2) park a motor vehicle in or obstruct access to an area
15 designated by a local governmental unit as a transfer zone for
16 disabled persons;

17 (3) alter a certificate;

18 (4) exercise the parking privilege provided in section
19 169.345, unless:

20 (i) that person is a physically disabled person as defined
21 in section 169.345, subdivision 2, or the person is transporting
22 or parking a motor vehicle for a physically disabled person; and

23 (ii) the motor vehicle visibly displays one of the
24 following: a ~~license~~ disability plate issued under section
25 168.021, a certificate issued under section 169.345, a ~~temporary~~
26 permit valid for 30 days issued under section 168.021 or
27 169.345, or an equivalent certificate, insignia, or ~~license~~
28 plate issued by another state, a foreign country, or one of its
29 political subdivisions; or

30 ~~(4)~~ (5) park a motor vehicle in an area used as a regular
31 route transit stopping point where a transit vehicle that is
32 accessible to the physically disabled regularly stops and a sign
33 that bears the international symbol of access in white on blue
34 is posted. A sign posted under this clause may display other
35 information relating to the regular route transit service. For
36 purposes of this clause, an area used as a regular route transit

1 stopping point consists of the 80 feet immediately preceding the
2 sign described in this clause.

3 Sec. 9. Minnesota Statutes 2004, section 169.346,
4 subdivision 2, is amended to read:

5 Subd. 2. [DISABILITY PARKING SPACE SIGNS.] (a) Parking
6 spaces reserved for physically disabled persons must be
7 designated and identified by the posting of signs incorporating
8 the international symbol of access in white on blue and
9 indicating that violators are subject to a fine of up to \$200.
10 These parking spaces are reserved for disabled persons with
11 motor vehicles displaying the required certificate, ~~license~~
12 plates, temporary permit valid for 30 days, or insignia. Signs
13 ~~sold-after-August-17-19917-must-conform-to-the-design~~
14 ~~requirements-in-this-paragraph.~~

15 (b) For purposes of this subdivision, a parking space that
16 is clearly identified as reserved for physically disabled
17 persons by a permanently posted sign that does not meet all
18 design standards, is considered designated and reserved for
19 physically disabled persons. A sign posted for the purpose of
20 this section must be visible from inside a motor vehicle parked
21 in the space, be kept clear of snow or other obstructions which
22 block its visibility, and be nonmovable or only movable by
23 authorized persons.

24 Sec. 10. Minnesota Statutes 2004, section 169.346,
25 subdivision 2a, is amended to read:

26 Subd. 2a. [PARKING SPACE FREE OF OBSTRUCTION; PENALTY.]
27 The owner or manager of the property on which the designated
28 parking space is located shall ensure that the parking space is
29 and associated access aisle are kept free of obstruction. If
30 the owner or manager does not have the parking space properly
31 posted or allows the parking space or access aisle to be blocked
32 by snow, merchandise, or similar obstructions for 24 hours after
33 receiving a warning from a peace officer, the owner or manager
34 is guilty of a misdemeanor and subject to a fine of up to \$500.

35 Sec. 11. Minnesota Statutes 2004, section 169.346,
36 subdivision 3, is amended to read:

1 Subd. 3. [MISDEMEANOR; ENFORCEMENT.] A person who violates
2 subdivision 1 is guilty of a misdemeanor and ~~shall~~ must be fined
3 not less than \$100 ~~or~~ and not more than \$200. This
4 subdivision ~~shall~~ must be enforced in the same manner as parking
5 ordinances or regulations in the governmental subdivision in
6 which the violation occurs. Law enforcement officers ~~have-the~~
7 ~~authority-to~~ may tag motor vehicles parked on either private or
8 public property in violation of subdivision 1. Parking
9 enforcement employees or agents of statutory or home rule
10 charter cities or towns ~~have-the-authority-to~~ may tag or
11 otherwise issue citations for motor vehicles parked on public
12 property in violation of subdivision 1. If a holder of a
13 disability certificate or disability plates allows a person who
14 is not otherwise eligible to use the certificate or plates, then
15 the holder ~~shall~~ is not be eligible to be issued or to use a
16 disability certificate or plates for 12 months after the date of
17 violation. A physically disabled person, or a person parking
18 a motor vehicle for a disabled person, who is charged with
19 violating subdivision 1 because the person parked in a parking
20 space for physically disabled persons without the required
21 certificate, license plates, or ~~temporary~~ permit ~~shall~~ must not
22 be convicted if the person produces in court or before the court
23 appearance the required certificate, ~~temporary~~ permit, or
24 evidence that the person has been issued ~~license~~ plates under
25 section 168.021, and demonstrates entitlement to the
26 certificate, plates, or ~~temporary~~ permit at the time of arrest
27 or tagging.

1 Senator moves to amend S.F. No. 1506 as follows:

2 Page 8, line 17, delete "Intermediate-term certificate"

3 and insert "Long-term certificate"

4 Page 8, line 20, delete "Long-term certificate" and

5 insert "Six-year certificate"

**Senate Council, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 957 – Permitting Dakota County Regional Rail Authority to Develop Bus Rapid Transit

Author: Senator Sharon Marko

Prepared by: Amy Vennewitz, Fiscal Analyst (651/296-7681) *Amv*
Bonnie Berezovsky, Senate Counsel (651/296-9191)

Date: March 29, 2005

This bill allows the Dakota County Regional Rail Authority to exercise the powers granted to a regional rail authority under M.S. 398A.04 to plan, acquire, develop, operate, regulate and protect a bus rapid transit system within the Cedar Avenue corridor. The bill is effective without local approval the day following final enactment.

Senators Marko, Metzen, Pariseau, McGinn and Belanger introduced--
S.F. No. 957: Referred to the Committee on Transportation.

A bill for an act

relating to Dakota County Regional Railroad Authority;
permitting development of bus rapid transit in Cedar
Avenue transitway corridor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [DEVELOPMENT AUTHORIZED.]

Dakota County Regional Railroad Authority may exercise the
powers conferred by Minnesota Statutes, section 398A.04, to
plan, establish, acquire, develop, construct, purchase, enlarge,
extend, improve, maintain, equip, operate, regulate, and protect
a bus rapid transit system located within the Cedar Avenue
transitway corridor within Dakota County.

Sec. 2. [EFFECTIVE DATE.]

Pursuant to Minnesota Statutes, section 645.023,
subdivision 1, paragraph (a), section 1 is effective without
local approval the day following final enactment.

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 734 - Special "Support Our Troops" License Plates (First Engrossment)

Author: Senator Jim Vickerman

Prepared by: Bonnie Berezovsky, Senate Counsel (651/296-9191) *BB*
Amy Vennewitz, Fiscal Analyst (651/296-7681)

Date: March 29, 2005

Article 1 License Plates

Section 1, Subdivision 1 directs the commissioner to issue special "Support Our Troops" plates for passenger vehicles, one-ton pickups, recreational vehicles, and motorcycles. An applicant must pay all required fees and comply with all applicable laws, and must also pay a minimum of \$30 annually to the "Support Our Troops" account, established in section 2.

Subdivision 2 directs the Adjutant General and Commissioner of Veterans Affairs to create the plate design, subject to approval of the Commissioner of Public Safety.

Subdivision 3 provides that contributions are nonrefundable.

Subdivision 4 allows transfer of the special plates, for a fee of \$5, from one qualifying vehicle to another, owned by the same person.

Subdivision 5 directs that contributions be credited to the "Support Our Troops" account, and fees be credited to the vehicle services operating account in the special revenue fund.

Subdivision 6 requires the commissioner to keep a record of the number of plates issued.

Section 2, Subdivision 1, creates the "Support Our Troops" account in the State Treasury.

Subdivision 2 creates an open and standing appropriation of money in the account to the Adjutant General for grants to eligible individuals or foundations. Eligible individuals are in active service as members of the Minnesota National Guard, another military reserve unit based in Minnesota, or a Guard or reserve unit outside Minnesota if the individual is a Minnesota resident. Immediate family members are eligible for grants, under certain circumstances. An eligible foundation is a Section 501(c)(3) organization that meets certain requirements and agrees to disburse grant money received to eligible individuals. A grant to an individual may not exceed \$2,000 in a calendar year.

Subdivision 3 requires the Adjutant General, by February 1, 2007, and each year thereafter, to report to the legislative committees with jurisdiction over Military and Veterans' Affairs, on the number, amounts, and use of grants.

BB/AV:rer

1 A bill for an act

2 relating to the military; providing for special
3 "Support Our Troops" plates; establishing an account;
4 providing funding for certain National Guard incentive
5 programs; providing funding for a World War II
6 veterans memorial and the maintenance and improvement
7 of veterans homes; providing certain income tax
8 benefits; appropriating money; amending Minnesota
9 Statutes 2004, sections 289A.02, subdivision 7;
10 290.01, subdivisions 19, 19b, 31; 290.06, subdivision
11 2c; 290.091, subdivision 2; 290A.03, subdivision 15;
12 proposing coding for new law in Minnesota Statutes,
13 chapters 168; 190.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

15 ARTICLE 1

16 LICENSE PLATES

17 Section 1. [168.1298] [SPECIAL "SUPPORT OUR TROOPS"
18 LICENSE PLATES.]

19 Subdivision 1. [GENERAL REQUIREMENTS AND PROCEDURES.] (a)

20 The commissioner shall issue special "Support Our Troops"
21 license plates to an applicant who:

22 (1) is an owner of a passenger automobile, one-ton pickup
23 truck, recreational vehicle, or motorcycle;

24 (2) pays a fee of \$10 to cover the costs of handling and
25 manufacturing the plates;

26 (3) pays the registration tax required under section
27 168.013;

28 (4) pays the fees required under this chapter;

29 (5) contributes a minimum of \$30 annually to the Minnesota

1 "Support Our Troops" account established in section 190.19; and
2 (6) complies with laws and rules governing registration and
3 licensing of vehicles and drivers.

4 (b) The license application under this section must
5 indicate that the annual contribution specified under paragraph
6 (a), clause (5), is a minimum contribution to receive the plate
7 and that the applicant may make an additional contribution to
8 the account.

9 Subd. 2. [DESIGN.] After consultation with interested
10 groups, the adjutant general and the commissioner of veterans
11 affairs shall design the special plate, subject to the approval
12 of the commissioner.

13 Subd. 3. [NO REFUND.] Contributions under this section
14 must not be refunded.

15 Subd. 4. [PLATE TRANSFERS.] Notwithstanding section
16 168.12, subdivision 1, on payment of a transfer fee of \$5,
17 plates issued under this section may be transferred to another
18 passenger automobile, one-ton pickup truck, recreational
19 vehicle, or motorcycle owned by the individual to whom the
20 special plates were issued.

21 Subd. 5. [CONTRIBUTION AND FEES CREDITED.] Contributions
22 under subdivision 1, paragraph (a), clause (5), must be paid to
23 the commissioner and credited to the Minnesota "Support Our
24 Troops" account established in section 190.19. The fees
25 collected under this section must be deposited in the vehicle
26 services operating account in the special revenue fund.

27 Subd. 6. [RECORD.] The commissioner shall maintain a
28 record of the number of plates issued under this section.

29 Sec. 2. [190.19] [MINNESOTA "SUPPORT OUR TROOPS" ACCOUNT.]

30 Subdivision 1. [ESTABLISHMENT.] The Minnesota "Support Our
31 Troops" account is established in the state treasury. The
32 account shall consist of contributions from private sources and
33 appropriations.

34 Subd. 2. [GRANTS.] (a) Money in the Minnesota "Support Our
35 Troops" account is appropriated to the adjutant general for the
36 purpose of making grants:

1 (1) directly to eligible individuals; or
2 (2) to one or more eligible foundations for the purpose of
3 making grants to eligible individuals, as provided in this
4 section.

5 (b) The term, "eligible individual" includes any person who
6 is:

7 (1) a member of the Minnesota National Guard or a reserve
8 unit based in Minnesota who has been called to active service as
9 defined in section 190.05, subdivision 5;

10 (2) a Minnesota resident who is a member of a military
11 reserve unit not based in Minnesota, if the member is called to
12 active service as defined in section 190.05, subdivision 5;

13 (3) any other Minnesota resident performing active service
14 for any branch of the military of the United States; and

15 (4) members of the immediate family of an individual
16 identified in clause (1), (2), or (3). For purposes of this
17 clause, "immediate family" means the individual's spouse and
18 minor children and, if they are dependents of the member of the
19 military, the member's parents, grandparents, siblings,
20 stepchildren, and adult children.

21 (c) The term "eligible foundation" includes any
22 organization that:

23 (1) is a tax-exempt organization under section 501(c)(3) of
24 the Internal Revenue Code;

25 (2) has articles of incorporation under chapter 317A
26 specifying the purpose of the organization as including the
27 provision of financial assistance to members of the Minnesota
28 National Guard and other United States armed forces reserves and
29 their families and survivors; and

30 (3) agrees in writing to distribute any grant money
31 received from the adjutant general under this section to
32 eligible individuals as defined in this section and in
33 accordance with any written policies and rules the adjutant
34 general may impose as conditions of the grant to the foundation.

35 (d) The maximum grant awarded to an eligible individual in
36 a calendar year with funds from the Minnesota "Support Our

1 Troops" account, either through an eligible institution or
2 directly from the adjutant general, may not exceed \$2,000.

3 Subd. 3. [ANNUAL REPORT.] The adjutant general must report
4 by February 1, 2007, and each year thereafter, to the chairs and
5 ranking minority members of the legislative committees and
6 divisions with jurisdiction over military and veterans' affairs
7 on the number, amounts, and use of grants issued from the
8 Minnesota "Support Our Troops" account in the previous year.

9 ARTICLE 2

10 NATIONAL GUARD FUNDING

11 Section 1. [APPROPRIATION.]

12 (a) \$3,850,000 is appropriated in fiscal year 2006 and
13 \$3,850,000 is appropriated in fiscal year 2007 from the general
14 fund to the adjutant general to provide the additional amount
15 necessary for full funding of the tuition reimbursement program
16 in Minnesota Statutes, section 192.501, subdivision 2.

17 (b) \$1,500,000 is appropriated in fiscal year 2006 and
18 \$1,500,000 is appropriated in fiscal year 2007 from the general
19 fund to the adjutant general to provide for reenlistment bonuses
20 under Minnesota Statutes, section 192.501, subdivision 1b.

21 ARTICLE 3

22 BONDING

23 Section 1. [APPROPRIATION.]

24 (a) \$670,000 is appropriated from the bond proceeds fund to
25 the commissioner of administration for the construction of a
26 World War II veterans memorial on the Capitol Mall. The design
27 is subject to approval by the Capitol Area Architectural and
28 Planning Board.

29 (b) \$6,306,000 is appropriated from the bond proceeds fund
30 to the Veterans Homes Board for the maintenance and improvement
31 of Minnesota's veterans homes, including \$6,000,000 for asset
32 preservation and \$306,000 for the Luverne Veterans Home dementia
33 unit common area.

34 Sec. 2. [BOND SALE.]

35 To provide the money appropriated in this act from the bond
36 proceeds fund, the commissioner of finance shall sell and issue

1 bonds of the state in an amount up to \$6,976,000 in the manner,
2 upon the terms, and with the effect prescribed by Minnesota
3 Statutes, sections 16A.631 to 16A.675, and by the Minnesota
4 Constitution, article XI, sections 4 to 7.

5 Sec. 3. [EFFECTIVE DATE.]

6 Sections 1 and 2 are effective the day following final
7 enactment.

8 ARTICLE 4

9 INCOME TAX

10 Section 1. Minnesota Statutes 2004, section 289A.02,
11 subdivision 7, is amended to read:

12 Subd. 7. [INTERNAL REVENUE CODE.] Unless specifically
13 defined otherwise, "Internal Revenue Code" means the Internal
14 Revenue Code of 1986, as amended through ~~June 15~~ November 15,
15 2003.

16 [EFFECTIVE DATE.] This section is effective the day
17 following final enactment.

18 Sec. 2. Minnesota Statutes 2004, section 290.01,
19 subdivision 19, is amended to read:

20 Subd. 19. [NET INCOME.] The term "net income" means the
21 federal taxable income, as defined in section 63 of the Internal
22 Revenue Code of 1986, as amended through the date named in this
23 subdivision, incorporating the federal effective dates of
24 changes to the Internal Revenue Code and any elections made by
25 the taxpayer in accordance with the Internal Revenue Code in
26 determining federal taxable income for federal income tax
27 purposes, and with the modifications provided in subdivisions
28 19a to 19f.

29 In the case of a regulated investment company or a fund
30 thereof, as defined in section 851(a) or 851(g) of the Internal
31 Revenue Code, federal taxable income means investment company
32 taxable income as defined in section 852(b)(2) of the Internal
33 Revenue Code, except that:

34 (1) the exclusion of net capital gain provided in section
35 852(b)(2)(A) of the Internal Revenue Code does not apply;

36 (2) the deduction for dividends paid under section

1 852(b)(2)(D) of the Internal Revenue Code must be applied by
 2 allowing a deduction for capital gain dividends and
 3 exempt-interest dividends as defined in sections 852(b)(3)(C)
 4 and 852(b)(5) of the Internal Revenue Code; and

5 (3) the deduction for dividends paid must also be applied
 6 in the amount of any undistributed capital gains which the
 7 regulated investment company elects to have treated as provided
 8 in section 852(b)(3)(D) of the Internal Revenue Code.

9 The net income of a real estate investment trust as defined
 10 and limited by section 856(a), (b), and (c) of the Internal
 11 Revenue Code means the real estate investment trust taxable
 12 income as defined in section 857(b)(2) of the Internal Revenue
 13 Code.

14 The net income of a designated settlement fund as defined
 15 in section 468B(d) of the Internal Revenue Code means the gross
 16 income as defined in section 468B(b) of the Internal Revenue
 17 Code.

18 ~~The provisions of sections 1113(a), 1117, 1206(a), 1313(a),~~
 19 ~~1402(a), 1403(a), 1443, 1450, 1501(a), 1605, 1611(a), 1612,~~
 20 ~~1616, 1617, 1704(i), and 1704(m) of the Small Business Job~~
 21 ~~Protection Act, Public Law 104-188, the provisions of Public Law~~
 22 ~~104-117, the provisions of sections 313(a) and (b)(1), 602(a),~~
 23 ~~913(b), 941, 961, 971, 1001(a) and (b), 1002, 1003, 1012, 1013,~~
 24 ~~1014, 1061, 1062, 1081, 1084(b), 1086, 1087, 1111(a), 1131(b)~~
 25 ~~and (c), 1211(b), 1213, 1530(c)(2), 1601(f)(5) and (h), and~~
 26 ~~1604(d)(1) of the Taxpayer Relief Act of 1997, Public Law~~
 27 ~~105-34, the provisions of section 6010 of the Internal Revenue~~
 28 ~~Service Restructuring and Reform Act of 1998, Public Law~~
 29 ~~105-206, the provisions of section 4003 of the Omnibus~~
 30 ~~Consolidated and Emergency Supplemental Appropriations Act,~~
 31 ~~1999, Public Law 105-277, and the provisions of section 318 of~~
 32 ~~the Consolidated Appropriation Act of 2001, Public Law 106-554,~~
 33 ~~shall become effective at the time they become effective for~~
 34 ~~federal purposes.~~

35 The Internal Revenue Code of 1986, as amended through
 36 ~~December 31, 1996~~ November 15, 2003, shall be in effect for

1 taxable years beginning after December 31, 1996.

2 ~~The provisions of sections 202(a) and (b), 221(a), 225,~~
3 ~~312, 313, 913(a), 934, 962, 1004, 1005, 1052, 1063, 1084(a) and~~
4 ~~(c), 1089, 1112, 1171, 1204, 1271(a) and (b), 1305(a), 1306,~~
5 ~~1307, 1308, 1309, 1501(b), 1502(b), 1504(a), 1505, 1527, 1528,~~
6 ~~1530, 1601(d), (e), (f), and (i) and 1602(a), (b), (c), and (e)~~
7 ~~of the Taxpayer Relief Act of 1997, Public Law 105-34, the~~
8 ~~provisions of sections 6004, 6005, 6012, 6013, 6015, 6016, 7002,~~
9 ~~and 7003 of the Internal Revenue Service Restructuring and~~
10 ~~Reform Act of 1998, Public Law 105-206, the provisions of~~
11 ~~section 3001 of the Omnibus Consolidated and Emergency~~
12 ~~Supplemental Appropriations Act, 1999, Public Law 105-277, the~~
13 ~~provisions of section 3001 of the Miscellaneous Trade and~~
14 ~~Technical Corrections Act of 1999, Public Law 106-36, and the~~
15 ~~provisions of section 316 of the Consolidated Appropriation Act~~
16 ~~of 2001, Public Law 106-554, shall become effective at the time~~
17 ~~they become effective for federal purposes.~~

18 ~~The Internal Revenue Code of 1986, as amended through~~
19 ~~December 31, 1997, shall be in effect for taxable years~~
20 ~~beginning after December 31, 1997.~~

21 ~~The provisions of sections 5002, 6009, 6011, and 7001 of~~
22 ~~the Internal Revenue Service Restructuring and Reform Act of~~
23 ~~1998, Public Law 105-206, the provisions of section 9010 of the~~
24 ~~Transportation Equity Act for the 21st Century, Public Law~~
25 ~~105-178, the provisions of sections 1004, 4002, and 5301 of the~~
26 ~~Omnibus Consolidation and Emergency Supplemental Appropriations~~
27 ~~Act, 1999, Public Law 105-277, the provision of section 303 of~~
28 ~~the Ricky Ray Hemophilia Relief Fund Act of 1998, Public Law~~
29 ~~105-369, the provisions of sections 532, 534, 536, 537, and 538~~
30 ~~of the Ticket to Work and Work Incentives Improvement Act of~~
31 ~~1999, Public Law 106-170, the provisions of the Installment Tax~~
32 ~~Correction Act of 2000, Public Law 106-573, and the provisions~~
33 ~~of section 309 of the Consolidated Appropriation Act of 2001,~~
34 ~~Public Law 106-554, shall become effective at the time they~~
35 ~~become effective for federal purposes.~~

36 ~~The Internal Revenue Code of 1986, as amended through~~

1 ~~December 31, 1998, shall be in effect for taxable years~~
2 ~~beginning after December 31, 1998.~~

3 ~~The provisions of the FSC Repeal and Extraterritorial~~
4 ~~Income Exclusion Act of 2000, Public Law 106-519, and the~~
5 ~~provision of section 412 of the Job Creation and Worker~~
6 ~~Assistance Act of 2002, Public Law 107-147, shall become~~
7 ~~effective at the time it became effective for federal purposes.~~

8 ~~The Internal Revenue Code of 1986, as amended through~~
9 ~~December 31, 1999, shall be in effect for taxable years~~
10 ~~beginning after December 31, 1999. The provisions of sections~~
11 ~~306 and 401 of the Consolidated Appropriation Act of 2001,~~
12 ~~Public Law 106-554, and the provision of section 632(b)(2)(A) of~~
13 ~~the Economic Growth and Tax Relief Reconciliation Act of 2001,~~
14 ~~Public Law 107-16, and provisions of sections 101 and 402 of the~~
15 ~~Job Creation and Worker Assistance Act of 2002, Public Law~~
16 ~~107-147, shall become effective at the same time it became~~
17 ~~effective for federal purposes.~~

18 ~~The Internal Revenue Code of 1986, as amended through~~
19 ~~December 31, 2000, shall be in effect for taxable years~~
20 ~~beginning after December 31, 2000. The provisions of sections~~
21 ~~659a and 671 of the Economic Growth and Tax Relief~~
22 ~~Reconciliation Act of 2001, Public Law 107-16, the provisions of~~
23 ~~sections 104, 105, and 111 of the Victims of Terrorism Tax~~
24 ~~Relief Act of 2001, Public Law 107-134, and the provisions of~~
25 ~~sections 201, 403, 413, and 606 of the Job Creation and Worker~~
26 ~~Assistance Act of 2002, Public Law 107-147, shall become~~
27 ~~effective at the same time it became effective for federal~~
28 ~~purposes.~~

29 ~~The Internal Revenue Code of 1986, as amended through March~~
30 ~~15, 2002, shall be in effect for taxable years beginning after~~
31 ~~December 31, 2001.~~

32 ~~The provisions of sections 101 and 102 of the Victims of~~
33 ~~Terrorism Tax Relief Act of 2001, Public Law 107-134, shall~~
34 ~~become effective at the same time it becomes effective for~~
35 ~~federal purposes.~~

36 ~~The Internal Revenue Code of 1986, as amended through June~~

~~1 157-2003, shall be in effect for taxable years beginning after
2 December 31, 2002. The provisions of section 201 of the Jobs
3 and Growth Tax Relief and Reconciliation Act of 2003, H.R. 2, if
4 it is enacted into law, are effective at the same time it became
5 effective for federal purposes.~~

6 Except as otherwise provided, references to the Internal
7 Revenue Code in subdivisions 19a 19 to 19g 19f mean the code in
8 effect for purposes of determining net income for the applicable
9 year.

10 [EFFECTIVE DATE.] This section is effective the day
11 following final enactment.

12 Sec. 3. Minnesota Statutes 2004, section 290.01,
13 subdivision 19b, is amended to read:

14 Subd. 19b. [SUBTRACTIONS FROM FEDERAL TAXABLE INCOME.] For
15 individuals, estates, and trusts, there shall be subtracted from
16 federal taxable income:

17 (1) interest income on obligations of any authority,
18 commission, or instrumentality of the United States to the
19 extent includable in taxable income for federal income tax
20 purposes but exempt from state income tax under the laws of the
21 United States;

22 (2) if included in federal taxable income, the amount of
23 any overpayment of income tax to Minnesota or to any other
24 state, for any previous taxable year, whether the amount is
25 received as a refund or as a credit to another taxable year's
26 income tax liability;

27 (3) the amount paid to others, less the amount used to
28 claim the credit allowed under section 290.0674, not to exceed
29 \$1,625 for each qualifying child in grades kindergarten to 6 and
30 \$2,500 for each qualifying child in grades 7 to 12, for tuition,
31 textbooks, and transportation of each qualifying child in
32 attending an elementary or secondary school situated in
33 Minnesota, North Dakota, South Dakota, Iowa, or Wisconsin,
34 wherein a resident of this state may legally fulfill the state's
35 compulsory attendance laws, which is not operated for profit,
36 and which adheres to the provisions of the Civil Rights Act of

1 1964 and chapter 363A. For the purposes of this clause,
2 "tuition" includes fees or tuition as defined in section
3 290.0674, subdivision 1, clause (1). As used in this clause,
4 "textbooks" includes books and other instructional materials and
5 equipment purchased or leased for use in elementary and
6 secondary schools in teaching only those subjects legally and
7 commonly taught in public elementary and secondary schools in
8 this state. Equipment expenses qualifying for deduction
9 includes expenses as defined and limited in section 290.0674,
10 subdivision 1, clause (3). "Textbooks" does not include
11 instructional books and materials used in the teaching of
12 religious tenets, doctrines, or worship, the purpose of which is
13 to instill such tenets, doctrines, or worship, nor does it
14 include books or materials for, or transportation to,
15 extracurricular activities including sporting events, musical or
16 dramatic events, speech activities, driver's education, or
17 similar programs. For purposes of the subtraction provided by
18 this clause, "qualifying child" has the meaning given in section
19 32(c)(3) of the Internal Revenue Code;
20 (4) income as provided under section 290.0802;
21 (5) to the extent included in federal adjusted gross
22 income, income realized on disposition of property exempt from
23 tax under section 290.491;
24 (6) to the extent included in federal taxable income,
25 postservice benefits for youth community service under section
26 124D.42 for volunteer service under United States Code, title
27 42, sections 12601 to 12604;
28 (7) to the extent not deducted in determining federal
29 taxable income by an individual who does not itemize deductions
30 for federal income tax purposes for the taxable year, an amount
31 equal to 50 percent of the excess of charitable contributions
32 allowable as a deduction for the taxable year under section
33 170(a) of the Internal Revenue Code over \$500;
34 (8) for taxable years beginning before January 1, 2008, the
35 amount of the federal small ethanol producer credit allowed
36 under section 40(a)(3) of the Internal Revenue Code which is

1 included in gross income under section 87 of the Internal
2 Revenue Code;

3 (9) for individuals who are allowed a federal foreign tax
4 credit for taxes that do not qualify for a credit under section
5 290.06, subdivision 22, an amount equal to the carryover of
6 subnational foreign taxes for the taxable year, but not to
7 exceed the total subnational foreign taxes reported in claiming
8 the foreign tax credit. For purposes of this clause, "federal
9 foreign tax credit" means the credit allowed under section 27 of
10 the Internal Revenue Code, and "carryover of subnational foreign
11 taxes" equals the carryover allowed under section 904(c) of the
12 Internal Revenue Code minus national level foreign taxes to the
13 extent they exceed the federal foreign tax credit;

14 (10) in each of the five tax years immediately following
15 the tax year in which an addition is required under subdivision
16 19a, clause (7), an amount equal to one-fifth of the delayed
17 depreciation. For purposes of this clause, "delayed
18 depreciation" means the amount of the addition made by the
19 taxpayer under subdivision 19a, clause (7), minus the positive
20 value of any net operating loss under section 172 of the
21 Internal Revenue Code generated for the tax year of the
22 addition. The resulting delayed depreciation cannot be less
23 than zero; and

24 (11) job opportunity building zone income as provided under
25 section 469.316~~7~~; and

26 (12) to the extent included in federal taxable income,
27 compensation paid to a service member as defined in United
28 States Code, title 10, section 101(a)(5), for military service
29 as defined in the Service Members Civil Relief Act, Public Law
30 108-189, section 101(2), and compensation paid for state active
31 service as defined in section 190.05, subdivision 5a, clauses
32 (1) and (3), or federally funded state active service as defined
33 in section 190.05, subdivision 5b. This subtraction does not
34 apply to "retirement income" as defined in section 290.17,
35 subdivision 2, paragraph (a), clause (3).

36 [EFFECTIVE DATE.] This section is effective for tax years

1 beginning after December 31, 2004.

2 Sec. 4. Minnesota Statutes 2004, section 290.01,
3 subdivision 31, is amended to read:

4 Subd. 31. [INTERNAL REVENUE CODE.] Unless specifically
5 defined otherwise, "Internal Revenue Code" means the Internal
6 Revenue Code of 1986, as amended through ~~June-15~~ November 15,
7 2003.

8 [EFFECTIVE DATE.] This section is effective the day
9 following final enactment, except the changes incorporated by
10 federal changes are effective at the same times as the changes
11 were effective for federal purposes.

12 Sec. 5. Minnesota Statutes 2004, section 290.06,
13 subdivision 2c, is amended to read:

14 Subd. 2c. [SCHEDULES OF RATES FOR INDIVIDUALS, ESTATES,
15 AND TRUSTS.] (a) The income taxes imposed by this chapter upon
16 married individuals filing joint returns and surviving spouses
17 as defined in section 2(a) of the Internal Revenue Code must be
18 computed by applying to their taxable net income the following
19 schedule of rates:

20 (1) On the first \$25,680, 5.35 percent;

21 (2) On all over \$25,680, but not over \$102,030, 7.05
22 percent;

23 (3) On all over \$102,030, 7.85 percent.

24 Married individuals filing separate returns, estates, and
25 trusts must compute their income tax by applying the above rates
26 to their taxable income, except that the income brackets will be
27 one-half of the above amounts.

28 (b) The income taxes imposed by this chapter upon unmarried
29 individuals must be computed by applying to taxable net income
30 the following schedule of rates:

31 (1) On the first \$17,570, 5.35 percent;

32 (2) On all over \$17,570, but not over \$57,710, 7.05
33 percent;

34 (3) On all over \$57,710, 7.85 percent.

35 (c) The income taxes imposed by this chapter upon unmarried
36 individuals qualifying as a head of household as defined in

1 section 2(b) of the Internal Revenue Code must be computed by
2 applying to taxable net income the following schedule of rates:

3 (1) On the first \$21,630, 5.35 percent;

4 (2) On all over \$21,630, but not over \$86,910, 7.05
5 percent;

6 (3) On all over \$86,910, 7.85 percent.

7 (d) In lieu of a tax computed according to the rates set
8 forth in this subdivision, the tax of any individual taxpayer
9 whose taxable net income for the taxable year is less than an
10 amount determined by the commissioner must be computed in
11 accordance with tables prepared and issued by the commissioner
12 of revenue based on income brackets of not more than \$100. The
13 amount of tax for each bracket shall be computed at the rates
14 set forth in this subdivision, provided that the commissioner
15 may disregard a fractional part of a dollar unless it amounts to
16 50 cents or more, in which case it may be increased to \$1.

17 (e) An individual who is not a Minnesota resident for the
18 entire year must compute the individual's Minnesota income tax
19 as provided in this subdivision. After the application of the
20 nonrefundable credits provided in this chapter, the tax
21 liability must then be multiplied by a fraction in which:

22 (1) the numerator is the individual's Minnesota source
23 federal adjusted gross income as defined in section 62 of the
24 Internal Revenue Code and increased by the additions required
25 under section 290.01, subdivision 19a, clauses (1), (5), and
26 (6), and reduced by the subtraction under section 290.01,
27 subdivision 19b, clause (11), and the Minnesota assignable
28 portion of the subtraction for United States government interest
29 under section 290.01, subdivision 19b, clause (1), and the
30 subtraction under clause (12), after applying the allocation and
31 assignability provisions of section 290.081, clause (a), or
32 290.17; and

33 (2) the denominator is the individual's federal adjusted
34 gross income as defined in section 62 of the Internal Revenue
35 Code of 1986, increased by the amounts specified in section
36 290.01, subdivision 19a, clauses (1), (5), and (6), and reduced

1 by the amounts specified in section 290.01, subdivision 19b,
2 clauses (1) and, (11), and (12).

3 [EFFECTIVE DATE.] This section is effective for taxable
4 years beginning after December 31, 2004.

5 Sec. 6. Minnesota Statutes 2004, section 290.091,
6 subdivision 2, is amended to read:

7 Subd. 2. [DEFINITIONS.] For purposes of the tax imposed by
8 this section, the following terms have the meanings given:

9 (a) "Alternative minimum taxable income" means the sum of
10 the following for the taxable year:

11 (1) the taxpayer's federal alternative minimum taxable
12 income as defined in section 55(b)(2) of the Internal Revenue
13 Code;

14 (2) the taxpayer's itemized deductions allowed in computing
15 federal alternative minimum taxable income, but excluding:

16 (i) the charitable contribution deduction under section 170
17 of the Internal Revenue Code to the extent that the deduction
18 exceeds 1.0 percent of adjusted gross income, as defined in
19 section 62 of the Internal Revenue Code;

20 (ii) the medical expense deduction;

21 (iii) the casualty, theft, and disaster loss deduction; and

22 (iv) the impairment-related work expenses of a disabled
23 person;

24 (3) for depletion allowances computed under section 613A(c)
25 of the Internal Revenue Code, with respect to each property (as
26 defined in section 614 of the Internal Revenue Code), to the
27 extent not included in federal alternative minimum taxable
28 income, the excess of the deduction for depletion allowable
29 under section 611 of the Internal Revenue Code for the taxable
30 year over the adjusted basis of the property at the end of the
31 taxable year (determined without regard to the depletion
32 deduction for the taxable year);

33 (4) to the extent not included in federal alternative
34 minimum taxable income, the amount of the tax preference for
35 intangible drilling cost under section 57(a)(2) of the Internal
36 Revenue Code determined without regard to subparagraph (E);

1 (5) to the extent not included in federal alternative
2 minimum taxable income, the amount of interest income as
3 provided by section 290.01, subdivision 19a, clause (1); and

4 (6) the amount of addition required by section 290.01,
5 subdivision 19a, clause (7);

6 less the sum of the amounts determined under the following:

7 (1) interest income as defined in section 290.01,
8 subdivision 19b, clause (1);

9 (2) an overpayment of state income tax as provided by
10 section 290.01, subdivision 19b, clause (2), to the extent
11 included in federal alternative minimum taxable income;

12 (3) the amount of investment interest paid or accrued
13 within the taxable year on indebtedness to the extent that the
14 amount does not exceed net investment income, as defined in
15 section 163(d)(4) of the Internal Revenue Code. Interest does
16 not include amounts deducted in computing federal adjusted gross
17 income; and

18 (4) amounts subtracted from federal taxable income as
19 provided by section 290.01, subdivision 19b, clauses (10) and,
20 (11), and (12).

21 In the case of an estate or trust, alternative minimum
22 taxable income must be computed as provided in section 59(c) of
23 the Internal Revenue Code.

24 (b) "Investment interest" means investment interest as
25 defined in section 163(d)(3) of the Internal Revenue Code.

26 (c) "Tentative minimum tax" equals 6.4 percent of
27 alternative minimum taxable income after subtracting the
28 exemption amount determined under subdivision 3.

29 (d) "Regular tax" means the tax that would be imposed under
30 this chapter (without regard to this section and section
31 290.032), reduced by the sum of the nonrefundable credits
32 allowed under this chapter.

33 (e) "Net minimum tax" means the minimum tax imposed by this
34 section.

35 [EFFECTIVE DATE.] This section is effective for tax years
36 beginning after December 31, 2004.

1 Sec. 7. Minnesota Statutes 2004, section 290A.03,
2 subdivision 15, is amended to read:

3 Subd. 15. [INTERNAL REVENUE CODE.] "Internal Revenue Code"
4 means the Internal Revenue Code of 1986, as amended through June
5 November 15, 2003.

6 [EFFECTIVE DATE.] This section is effective for property
7 tax refunds based on property taxes payable on or after December
8 31, 2004, and rent paid on or after December 31, 2003.

Article 1 LICENSE PLATES.....	page	1
Article 2 NATIONAL GUARD FUNDING.....	page	4
Article 3 BONDING.....	page	4
Article 4 INCOME TAX.....	page	5

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

**S.F. No. 1536 - Hybrid Vehicles on HOV Lanes (Delete-
Everything Amendment A-1)**

Author: Senator Ann H. Rest

Prepared by: Bonnie Berezovsky, Senate Counsel (651/296-9191) *BB*
Amy Vennewitz, Fiscal Analyst (651/296-7681)

Date: March 29, 2005

Section 1, Subdivision 1, defines hybrid vehicle, as one that operates with both an internal combustion engine and on electric propulsion.

Subdivision 2 directs the commissioner, unless prohibited by federal law or regulation and if allowed by the Federal Highway Administration, to allow a single-occupant hybrid vehicle to be operated in any HOV lane on the trunk highway system, and to use any toll lane on the trunk highway system without payment of tolls.

Subdivision 3 directs the commissioner to issue, upon request and payment of a \$15 fee, a decal or other identifier that, when displayed, identifies a hybrid vehicle and allows the vehicle to be operated in accordance with subdivision 2.

Subdivision 4 makes it a misdemeanor for a person to operate a vehicle in an HOV or toll lane, while displaying the distinctive decal, if the decal was not issued for that vehicle.

Subdivision 5 provides that this section expires on July 31, 2007.

BB/AV:rer

Senators Rest, Pariseau, Anderson, Olson and Dibble introduced--
S.F. No. 1536: Referred to the Committee on Transportation.

1 A bill for an act

2 relating to transportation; allowing hybrid vehicles
3 to be used on high-occupancy vehicle lanes; amending
4 Minnesota Statutes 2004, sections 160.02, by adding a
5 subdivision; 160.93, by adding a subdivision.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

7 Section 1. Minnesota Statutes 2004, section 160.02, is
8 amended by adding a subdivision to read:

9 Subd. 19a. [HYBRID VEHICLE.] "Hybrid vehicle" means a
10 motor vehicle with a hybrid propulsion system that operates both
11 on electricity and with gasoline.

12 Sec. 2. Minnesota Statutes 2004, section 160.93, is
13 amended by adding a subdivision to read:

14 Subd. 1a. [HYBRID VEHICLES.] (a) Unless otherwise
15 prohibited by federal law or regulation, the commissioner shall
16 allow an owner or operator of a single-occupant, hybrid vehicle
17 to operate the vehicle on any high-occupancy vehicle lane on the
18 trunk highway system without imposing a user fee. If otherwise
19 prohibited, the commissioner shall seek a waiver of any fee
20 requirement.

21 (b) Upon approval from the Federal Highway Administration,
22 the commissioner shall allow an operator of a hybrid vehicle to
23 use any high-occupancy vehicle lane on the trunk highway system,
24 regardless of occupancy requirements established for other types
25 of vehicles.

1 Senator moves to amend S.F. No. 1536 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. [160.94] [USE OF HIGHWAY LANES BY HYBRID
4 VEHICLES.]

5 Subdivision 1. [HYBRID VEHICLE.] For the purposes of this
6 section, "hybrid vehicle" means a motor vehicle that:

7 (1) has a hybrid propulsion system that operates both with
8 an internal combustion engine and on electric propulsion; and

9 (2) conforms to any requirements for such a vehicle in
10 federal law or regulation.

11 Subd. 2. [USE OF HOV LANES BY HYBRID VEHICLES.] Unless
12 otherwise prohibited by federal law or regulation, and with the
13 approval of the Federal Highway Administration, the commissioner
14 shall:

15 (1) allow an operator of a single-occupant, hybrid vehicle
16 to use any high-occupancy vehicle lane on the trunk highway
17 system, regardless of occupancy requirements established for
18 other types of vehicles; and

19 (2) allow the operator of a hybrid vehicle to use a lane of
20 a trunk highway, other than a toll bridge, on which a toll is
21 imposed for certain vehicles, without payment of such a toll.

22 Subd. 3. [DECALS.] The commissioner shall issue to the
23 owner of a hybrid vehicle upon request of the owner and upon
24 payment of a fee of \$15, a distinctive decal or other identifier
25 to be affixed to the vehicle, clearly identifying the vehicle as
26 a hybrid vehicle. A person operating a vehicle lawfully
27 displaying such a decal has the privileges granted by the
28 commissioner under subdivision 2.

29 Subd. 4. [VIOLATION.] A person may not operate a vehicle
30 that displays a decal or other identifier issued under this
31 section in a high-occupancy vehicle lane or toll lane if that
32 decal or identifier was not issued for that vehicle. A
33 violation of this subdivision is a misdemeanor.

34 Subd. 5. [EXPIRATION.] This section expires July 31, 2007."

35 Delete the title and insert:

36 "A bill for an act relating to transportation; allowing

- 1 hybrid vehicles to be used on high-occupancy vehicle lanes;
- 2 proposing coding for new law in Minnesota Statutes, chapter 160."

1 Senator moves to amend the delete-everything
2 amendment (SCS1536A-1) to S.F. No. 1536 as follows:

3 Page 1, line 8, delete "and"

4 Page 1, line 9, after "(2)" insert "has a fuel efficiency
5 of greater than 28 miles per gallon in highway use and 33 miles
6 per gallon in city use, as certified by the United States
7 Environmental Protection Agency; and

8 (3)"

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 1037 – Modifying Provisions Relating to Aeronautics

Author: Senator Ann Rest

Prepared by: Amy Vennewitz, Fiscal Analyst (651/296-7681) *AMV*
Bonnie Berezovsky, Senate Counsel (651/296-9191)

Date: March 29, 2005

Section 1 requires a municipality to repay the state airports fund for any land acquired with state funds that ceases to be used for aviation purposes. The municipality must repay the same percentage of the appraised value of the property as that percentage of the costs of acquisition and participation provided by the state to acquire the land.

Sections 2 to 12 delete references to aircraft decals or numbered plates and the requirement to affix a decal or plate to the aircraft and make technical and conforming changes.

Section 13 allows official maps to show the location of existing and future land needed for airports.

Sections 14 and 15 add a reference to “aviation purposes” in the section of law dealing with official maps and their development and effect.

Section 16 adds a reference to displaying the location of existing and proposed future airports in the definition of official map contained in the section of law on municipal planning.

Section 17 strikes an outdated requirement that before a municipality may extend an interim ordinance for a municipal airport beyond 18 months, the department of transportation must have requested the city to review its master plan prior to August 1, 2004.

Sections 18 and 19 add a reference to aviation purposes in the sections of law relating to the procedures for a municipality to adopt and give effect to an official map.

Section 20 repeals M.S. 360.59 subdivisions 4 and 9 relating to number plates for aircraft and the defacement or destruction of the number plates.

Senators Rest, Chaudhary, Jungbauer, Reiter and Marko introduced--
S.F. No. 1037: Referred to the Committee on Transportation.

1 A bill for an act

2 relating to transportation; modifying provisions
3 relating to aeronautics; making clarifying changes;
4 amending Minnesota Statutes 2004, sections 360.305,
5 subdivision 4; 360.55, subdivisions 2, 3, 4, 4a;
6 360.58; 360.59, subdivisions 2, 5, 7, 8; 360.63,
7 subdivision 2; 360.67, subdivision 4; 394.22,
8 subdivision 12; 394.361, subdivisions 1, 3; 462.352,
9 subdivision 10; 462.355, subdivision 4; 462.359,
10 subdivisions 1, 3; repealing Minnesota Statutes 2004,
11 section 360.59, subdivisions 4, 9.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

13 Section 1. Minnesota Statutes 2004, section 360.305,
14 subdivision 4, is amended to read:

15 Subd. 4. [COSTS ALLOCATED; LOCAL CONTRIBUTION; HANGAR
16 CONSTRUCTION ACCOUNT.] (a) Except as otherwise provided in this
17 subdivision, the commissioner of transportation shall require as
18 a condition of assistance by the state that the political
19 subdivision, municipality, or public corporation make a
20 substantial contribution to the cost of the construction,
21 improvement, maintenance, or operation of the airport, in
22 connection with which the assistance of the state is sought.
23 These costs are referred to as project costs.

24 (b) For any airport, whether key, intermediate, or landing
25 strip, where only state and local funds are to be used, the
26 contribution shall be not less than one-fifth of the sum of:

27 (1) the project costs;

28 (2) acquisition costs of the land and clear zones, which

1 are referred to as acquisition costs.

2 (c) For any airport where federal, state, and local funds
3 are to be used, the contribution shall not be less than five
4 percent of the sum of the project costs and acquisition costs.

5 (d) The commissioner may pay the total cost of radio and
6 navigational aids.

7 (e) Notwithstanding paragraph (b) or (c), the commissioner
8 may pay all of the project costs of a new landing strip, but not
9 an intermediate airport or key airport, or may pay an amount
10 equal to the federal funds granted and used for a new landing
11 strip plus all of the remaining project costs; but the total
12 amount paid by the commissioner for the project costs of a new
13 landing strip, unless specifically authorized by an act
14 appropriating funds for the new landing strip, shall not exceed
15 \$200,000.

16 (f) Notwithstanding paragraph (b) or (c), the commissioner
17 may pay all the project costs for research and development
18 projects, including, but not limited to noise abatement;
19 provided that in no event shall the sums expended under this
20 paragraph exceed five percent of the amount appropriated for
21 construction grants.

22 (g) To receive aid under this section for project costs or
23 for acquisition costs, the municipality must enter into an
24 agreement with the commissioner giving assurance that the
25 airport will be operated and maintained in a safe, serviceable
26 manner for aeronautical purposes only for the use and benefit of
27 the public:

28 (1) for 20 years after the date that any state funds for
29 project costs are received by the municipality; and

30 (2) for 99 years after the date that any state funds for
31 acquisition costs are received by the municipality. If any land
32 acquired with state funds ceases to be used for aviation
33 purposes, the municipality shall repay the state airports fund
34 the same percentage of the appraised value of the property as
35 that percentage of the costs of acquisition and participation
36 provided by the state to acquire the land.

1 The agreement may contain other conditions as the commissioner
2 deems reasonable.

3 (h) The commissioner shall establish a hangar construction
4 revolving account, which shall be used for the purpose of
5 financing the construction of hangar buildings to be constructed
6 by municipalities owning airports. All municipalities owning
7 airports are authorized to enter into contracts for the
8 construction of hangars, and contracts with the commissioner for
9 the financing of hangar construction for an amount and period of
10 time as may be determined by the commissioner and municipality.
11 All receipts from the financing contracts shall be deposited in
12 the hangar construction revolving account and are reappropriated
13 for the purpose of financing construction of hangar buildings.
14 The commissioner may pay from the hangar construction revolving
15 account 80 percent of the cost of financing construction of
16 hangar buildings. For purposes of this ~~clause~~ paragraph, the
17 construction of hangars shall include their design. The
18 commissioner shall transfer up to \$4,400,000 from the state
19 airports fund to the hangar construction revolving account.

20 (i) The commissioner may pay a portion of the purchase
21 price of any airport maintenance and safety equipment and of the
22 actual airport snow removal costs incurred by any municipality.
23 The portion to be paid by the state shall not exceed two-thirds
24 of the cost of the purchase price or snow removal. To receive
25 aid a municipality must enter into an agreement of the type
26 referred to in paragraph (g).

27 (j) This subdivision ~~shall apply~~ applies only to project
28 costs or acquisition costs of municipally owned airports which
29 are incurred after June 1, 1971.

30 Sec. 2. Minnesota Statutes 2004, section 360.55,
31 subdivision 2, is amended to read:

32 Subd. 2. [TRANSACTIONING OFFICIAL BUSINESS.] Aircraft owned
33 and used solely in the transaction of official business by
34 representatives of foreign powers, by the federal government, or
35 by the state or any municipality thereof ~~shall be~~ are exempt
36 from the provisions of sections 360.54 to 360.67 requiring the

1 payment of a tax, but all such aircraft, except those owned by
 2 representatives of foreign powers or by the federal government,
 3 ~~shall~~ must be registered as required by sections 360.54 to
 4 ~~360.67 and shall display tax-exempt number plates, labels, or~~
 5 ~~stamps furnished by the commissioner at cost.~~ The exemption
 6 herein provided ~~shall~~ does not apply to any aircraft except
 7 those owned by representatives of foreign powers or by the
 8 federal government and except ~~such~~ those aircraft as may be used
 9 in general police work, unless the name of the state department
 10 or the municipality owning ~~such~~ the aircraft ~~shall be~~ is plainly
 11 printed on both sides thereof in letters of a size and character
 12 to be prescribed by the commissioner.

13 Sec. 3. Minnesota Statutes 2004, section 360.55,
 14 subdivision 3, is amended to read:

15 Subd. 3. [CIVIL AIR PATROL.] Any aircraft owned and used
 16 solely in the transaction of official business by any unit of
 17 the civil air patrol created by Public Law 476, 79th Congress,
 18 Public Law 557, 80th Congress, or acts amendatory thereto,
 19 whether or not the title to ~~such~~ the aircraft is retained by the
 20 federal government or vested in such unit unconditionally, ~~shall~~
 21 be is exempt from the provisions of sections 360.54 to 360.57
 22 requiring the payment of tax, but all such aircraft ~~shall~~ must
 23 be registered as required by sections 360.54 to 360.57 ~~and shall~~
 24 ~~display tax-exempt number plates, labels or stamps furnished by~~
 25 ~~the commissioner at cost.~~

26 Sec. 4. Minnesota Statutes 2004, section 360.55,
 27 subdivision 4, is amended to read:

28 Subd. 4. [COLLECTOR'S AIRCRAFT, SPECIAL PLATES.] (a) For
 29 purposes of this subdivision:

30 (1) "antique aircraft" means an aircraft constructed by the
 31 original manufacturer, or its licensee, on or before December
 32 31, 1945, with the exception of certain pre-World War II
 33 aircraft models that had only a small post-war production, such
 34 as Beechcraft Staggerwing, Fairchild 24, and Monocoupe; and

35 (2) "classic aircraft" means an aircraft constructed by the
 36 original manufacturer, or its licensee, on or after January 1,

1 1946, and has a first year of life that precedes the date of
2 registration by at least 50 years.

3 (b) If an antique or classic aircraft is owned and operated
4 solely as a collector's item, its owner may list it for taxation
5 and registration as follows: A sworn affidavit ~~shall~~ must be
6 executed stating (1) the name and address of the owner, (2) the
7 name and address of the person from whom purchased, (3) the
8 aircraft's make of-the-aircraft, year and, model number of-the
9 aircraft, the federal aircraft registration number, the and
10 manufacturer's identification number, and (4) that the aircraft
11 is owned and operated solely as a collector's item and not for
12 general transportation or commercial operations purposes. The
13 affidavit ~~shall~~ must be filed with the commissioner along with a
14 fee of \$25.

15 (c) Upon satisfaction that the affidavit is true and
16 correct, the commissioner shall issue to the applicant ~~special~~
17 ~~number-plates,decalcomania-labels,or-stamps-bearing-the~~
18 ~~inscription-"Classic"-or-"Antique,"-"Minnesota"-and-the~~
19 ~~registration-number-but-no-date~~ a registration certificate. The
20 ~~special-number-plates,decalcomania-labels,or-stamps~~
21 ~~are~~ registration certificate is valid without renewal as long as
22 the owner operates the aircraft solely as a collector's item.

23 (d) Should an antique or classic aircraft be operated other
24 than as a collector's item, the ~~special-number-plates,~~
25 ~~decalcomania-labels,or-stamps-shall-be~~ registration certificate
26 becomes void and removed, and the owner shall list the aircraft
27 for taxation and registration in accordance with the other
28 provisions of sections 360.511 to 360.67.

29 (e) Upon the sale of an antique or classic aircraft, the
30 new owner must list the aircraft for taxation and registration
31 in accordance with ~~the-provisions-of~~ this subdivision, including
32 the payment ~~of-a-\$25-fee-to-obtain-new-special-plates-or-payment~~
33 of a \$5 fee to ~~retain-and~~ transfer the ~~existing-special-plates~~
34 registration to the ~~name-of-the~~ new owner, or the other
35 provisions of sections 360.511 to 360.67, whichever is
36 applicable.

1 (f) In the event of defacement, loss, or destruction of the
 2 ~~special-number-plates, decalcomania-labels, or~~
 3 ~~stamps~~ registration certificate, and upon receiving and filing a
 4 sworn affidavit of the aircraft owner setting forth the
 5 circumstances, together with ~~any-defaced-plates, labels, or~~
 6 ~~stamps~~ and a fee of \$5, the commissioner shall issue a
 7 replacement ~~plates, labels, or stamps~~ certificate. The
 8 ~~commissioner shall note on the records the issue of replacement~~
 9 ~~number and shall proceed to cancel the original plates, labels,~~
 10 ~~or stamps.~~

11 Sec. 5. Minnesota Statutes 2004, section 360.55,
 12 subdivision 4a, is amended to read:

13 Subd. 4a. [RECREATIONAL AIRCRAFT; CLASSIC LICENSE.] (a) An
 14 aircraft that has a base price for tax purposes under section
 15 360.531 of \$10,000 or less, and that is owned and operated
 16 solely for recreational purposes, may be listed for taxation and
 17 registration by executing a sworn affidavit stating (1) the name
 18 and address of the owner, (2) the name and address of the person
 19 from whom purchased, (3) the aircraft's make, year, model
 20 number, federal aircraft registration number, and manufacturer's
 21 identification number, and (4) that the aircraft is owned and
 22 operated solely as a recreational aircraft and not for
 23 commercial operational purposes. The affidavit must be filed
 24 with the commissioner along with an annual \$25 fee.

25 (b) On being satisfied that the affidavit is true and
 26 correct, the commissioner shall issue to the applicant a ~~decal~~
 27 registration certificate.

28 (c) Should the aircraft be operated other than as a
 29 recreational aircraft, the owner shall list the aircraft for
 30 taxation and registration and pay the appropriate registration
 31 fee under sections 360.511 to 360.67.

32 (d) If the aircraft is sold, the new owner shall list the
 33 aircraft for taxation and registration under this subdivision,
 34 including the payment of the annual \$25 fee, or under sections
 35 360.511 to 360.67, whichever is applicable.

36 Sec. 6. Minnesota Statutes 2004, section 360.58, is

1 amended to read:

2 360.58 [OPERATION WITHOUT REGISTRATION OR PAYMENT.]

3 ~~No aircraft~~ Except as exempted by sections 360.54 and
 4 360.55, a person shall not use or be-operated operate an
 5 aircraft in the air space over this state or upon any of the
 6 ~~airports thereof-in-the-tax-period-of-January-17-19667-to-and~~
 7 ~~including-June-307-19677-or-in-any-fiscal-year-thereafter of~~
 8 this state until ~~it-shall-have~~ the aircraft has been registered
 9 as required in sections 360.54 to 360.67 and the aircraft tax
 10 and fees herein provided ~~shall~~ have been paid and-the-number
 11 ~~plates7-labels7-or-stamps-issued-therefor-shall-be-duly~~
 12 ~~displayed-on-such-aircraft.--A-purchaser-of-a-new-aircraft-may~~
 13 ~~operate-the-aircraft-without-such-plates7-labels7-or-stamps-upon~~
 14 ~~securing-from-the-commissioner7-or-any-person-designated-by-the~~
 15 ~~commissioner-for-that-purpose7-a-permit-to-operate-such-aircraft~~
 16 ~~pending-the-issuance-of-plates7-such-permit-shall-be-valid-for~~
 17 ~~not-more-than-15-days.~~

18 Sec. 7. Minnesota Statutes 2004, section 360.59,
 19 subdivision 2, is amended to read:

20 Subd. 2. [AGENT OR LIENOR MAY LIST.] Any act required
 21 herein of an owner may be performed in the owner's behalf by a
 22 duly authorized agent. Any person having a lien upon, or claim
 23 to, any aircraft may pay any tax due thereon to prevent the
 24 penalty for delayed registration from accruing, but the
 25 registration certificate ~~and-number-plates~~ shall not be issued
 26 until legal ownership is definitely determined.

27 Sec. 8. Minnesota Statutes 2004, section 360.59,
 28 subdivision 5, is amended to read:

29 Subd. 5. [COMMISSIONER TO APPROVE.] The commissioner shall
 30 approve applications ~~and-issue-number-plates~~ for any aircraft.
 31 When an applicant is listing the same aircraft for taxation and
 32 registration for the second and succeeding time the registration
 33 certificate issued for the prior year need not be delivered to
 34 the commissioner; but in case of a transfer or sale the
 35 registration certificate therefor issued or proof of loss
 36 thereof by sworn statement shall be delivered to the

1 commissioner. The commissioner shall be satisfied from the
2 records that all taxes and fees due hereunder shall have been
3 paid, and endorsements upon said certificate or sworn proof of
4 loss in writing signed by the seller and purchaser, shall
5 furnish proof that the applicant for registration is paying or
6 receiving credit for the tax upon the aircraft of which the
7 applicant is the rightful possessor.

8 Sec. 9. Minnesota Statutes 2004, section 360.59,
9 subdivision 7, is amended to read:

10 Subd. 7. [TRANSFER OF OWNERSHIP.] Upon the transfer of
11 ownership, the destruction, theft, or dismantling as-such;
12 or the permanent removal by the owner thereof from this state,
13 of any aircraft registered in accordance with ~~the-provisions-of~~
14 sections 360.511 to 360.67, the right of the owner of such the
15 aircraft to use the registration certificate ~~and-number-plates~~
16 assigned such the aircraft shall-expire,-and-such-certificate
17 ~~and-any-existing-plates-shall-be,-by-such~~ expires. The
18 owner, shall forthwith returned return the certificate with
19 transportation prepaid to the commissioner with a signed notice
20 of the date and manner of termination of ownership, giving the
21 name and post office address, with street and number, if in a
22 city, of the person to whom transferred, ~~provided,-however,-that~~
23 ~~whenever-the-ownership-of-an-aircraft-shall-be-transferred-to~~
24 ~~another-who-shall-forthwith-register-the-same-in-that-person's~~
25 ~~name,-the-commissioner-may-permit-the-manual-delivery-of-such~~
26 ~~plates-to-the-new-owner-of-such-aircraft.~~ On becoming the owner
27 by gift, trade, or purchase of any aircraft for which a
28 registration certificate has been ~~theretofore~~ issued under the
29 ~~provisions-of~~ sections 360.511 to 360.67, a person, including a
30 dealer or manufacturer, shall, within seven days after acquiring
31 ownership, join with the registered owner in transmitting with
32 an application the ~~said~~ registration certificate with the
33 assignment and notice of sale duly executed upon the reverse
34 side thereof, or in case of loss of such the certificate, with
35 such proof of loss by sworn statements in writing as shall be
36 satisfactory to the commissioner. Upon the transfer of any

1 aircraft by a manufacturer or dealer, for use within the state,
 2 whether by sale, lease, or otherwise, ~~such~~ the manufacturer or
 3 dealer shall, within seven days after ~~such~~ the transfer,
 4 transmit the transferee's application for registration thereof
 5 ~~and-such.~~ The manufacturer or dealer shall each month file with
 6 the commissioner a notice or report containing the date of
 7 ~~such~~ the transfer, a description of ~~such~~ the aircraft, and the
 8 name, street and number of residence, if in a city, and post
 9 office address of the transferee.

10 Sec. 10. Minnesota Statutes 2004, section 360.59,
 11 subdivision 8, is amended to read:

12 Subd. 8. [AMENDMENT, SUSPENSION, MODIFICATION,
 13 REVOCATION.] All registrations ~~and-issue-of-number-plates-shall~~
 14 ~~be~~ are subject to amendment, suspension, modification, or
 15 revocation by the commissioner summarily for any violation of or
 16 neglect to comply with ~~the-provisions-of~~ sections 360.511 to
 17 360.67. In any case where the proper registration of an
 18 aircraft is dependent upon procuring information entailing such
 19 delay as to unreasonably deprive the owner of the use of the
 20 aircraft, the commissioner may issue a tax receipt ~~and-plates~~
 21 conditionally. In any case when revoking a registration for
 22 cause, the commissioner ~~shall-have~~ has the authority to demand
 23 the return of the ~~number-plates-and~~ registration certificate
 24 ~~and,-if-necessary,-to-seize-the-number-plates-issued-for-such~~
 25 registration.

26 Sec. 11. Minnesota Statutes 2004, section 360.63,
 27 subdivision 2, is amended to read:

28 Subd. 2. [~~DEALERS¹-PLATES~~ AIRCRAFT DEMONSTRATION.] Any
 29 ~~licensed-aircraft-dealer-may-apply-to-the-commissioner-for-one~~
 30 ~~or-more-aircraft-dealers¹-plates.--A-charge-of-\$15-shall-be-made~~
 31 ~~for-each-such-plate.~~ Any aircraft owned by ~~said~~ an aircraft
 32 dealer, licensed under this section, may be used for the purpose
 33 of demonstration or for any purpose incident to the usual
 34 conduct and operation of business as an aircraft dealer;
 35 ~~provided-aircraft-dealers¹-plates-are-conspicuously-attached-to~~
 36 ~~the-aircraft-when-so-used,-and~~ provided ~~said~~ the aircraft has

1 been first listed with the commissioner on an aircraft
2 withholding form provided by the commissioner.

3 Sec. 12. Minnesota Statutes 2004, section 360.67,
4 subdivision 4, is amended to read:

5 Subd. 4. [FRAUD.] Any person who:

6 ~~(1) uses any number plates, label, or stamp or registration~~
7 ~~certificate upon or in connection with any aircraft except the~~
8 ~~one for which the same were duly issued, or upon any such~~
9 ~~aircraft after the certificate, plates, label, or stamp or the~~
10 ~~right to use the same have expired, or retains in possession or~~
11 ~~fails to surrender as provided in sections 360.511 to 360.67 any~~
12 ~~such number plates, label, stamp or registration certificate;~~

13 ~~(2) displays, or causes to be displayed, or has in~~
14 ~~possession any canceled, revoked, suspended, or fraudulently~~
15 ~~obtained or stolen registration plates, label, or stamp;~~

16 ~~(3) lends the person's registration plates, label, or stamp~~
17 ~~to any person or knowingly permits the use thereof by another;~~

18 ~~(4) displays or represents as the person's own any~~
19 ~~registration plates, label, or stamp not issued to the person;~~
20 ~~provided, this shall not apply to any legal change of ownership~~
21 ~~of the aircraft to which the plates, label, or stamp are~~
22 ~~attached;~~

23 ~~(5) uses a false or fictitious name or address or~~
24 ~~description of the aircraft, engine number, or frame number in~~
25 ~~any application for registration of an aircraft or knowingly~~
26 ~~makes a false statement or knowingly conceals a material fact or~~
27 ~~otherwise commits a fraud in any such application; or~~

28 ~~(6) defaces or alters any registration certificate or~~
29 ~~number plates or retains the same in possession after the same~~
30 ~~have been defaced or altered;~~
31 ~~shall be is guilty of a misdemeanor.~~

32 Sec. 13. Minnesota Statutes 2004, section 394.22,
33 subdivision 12, is amended to read:

34 Subd. 12. [OFFICIAL MAP.] "Official map" means a map
35 adopted in accordance with section 394.361, which may show
36 existing county roads and county state-aid highways, proposed

1 future county roads and highways, the area needed for widening
2 existing county roads and highways, and existing and future
3 state trunk highway rights-of-way. An official map may also
4 show the location of existing public land and facilities and
5 other land needed for future public purposes, including public
6 facilities such as parks, playgrounds, schools, and other public
7 buildings, civic centers, airports, and travel service
8 facilities. When requested in accordance with section 394.32,
9 subdivision 3, an official map may include existing and planned
10 public land uses within incorporated areas.

11 Sec. 14. Minnesota Statutes 2004, section 394.361,
12 subdivision 1, is amended to read:

13 Subdivision 1. [FUTURE PUBLIC USES.] Land that is needed
14 for future street and highway purposes, or for aviation
15 purposes, and as sites for other necessary public facilities and
16 services is frequently diverted to nonpublic uses which that
17 could have been located on other lands without hardship or
18 inconvenience to the owners. When this happens, public uses of
19 land may be denied or may be obtained later only at prohibitive
20 cost or at the expense of dislocating the owners and occupants
21 of the land. Identification on official maps of land needed for
22 future public uses permits both the public and private property
23 owners to adjust their building plans equitably and conveniently
24 before investments are made which that will make such
25 adjustments difficult to accomplish.

26 Sec. 15. Minnesota Statutes 2004, section 394.361,
27 subdivision 3, is amended to read:

28 Subd. 3. [EFFECT.] After an official map has been adopted
29 and filed, the issuance of land use or zoning permits or
30 approvals by the county ~~shall be~~ is subject to the provisions of
31 this section. Whenever any street or highway is widened or
32 improved or any new street is opened, or interests in lands for
33 other public purposes, including aviation purposes, are acquired
34 by the county, it is not required in such proceedings to pay for
35 any building or structure placed without a permit or approval or
36 in violation of conditions of a permit or approval within the

1 limits of the mapped street or highway or outside of any
2 building line that may have been established upon the existing
3 street or within any area thus identified for public purposes,
4 including aviation purposes. The adoption of official maps does
5 not give the county any right, title, or interest in areas
6 identified for public purposes thereon, but the adoption of a
7 map does authorize the county to acquire ~~such~~ these interests
8 without paying compensation for buildings or structures erected
9 in ~~such~~ those areas without a permit or approval or in violation
10 of the conditions of a permit or approval. ~~The provisions of~~
11 This subdivision ~~shall~~ does not apply to buildings or structures
12 in existence prior to the filing of the official map.

13 Sec. 16. Minnesota Statutes 2004, section 462.352,
14 subdivision 10, is amended to read:

15 Subd. 10. [OFFICIAL MAP.] "Official map" means a map
16 adopted in accordance with section 462.359, which may show
17 existing and proposed future streets, roads, and highways, and
18 airports of the municipality and county, the area needed for
19 widening of existing streets, roads, and highways of the
20 municipality and county, and existing and future county state
21 aid highways and state trunk highway rights-of-way. An official
22 map may also show the location of existing and future public
23 land and facilities within the municipality. In counties in the
24 metropolitan area as defined in section 473.121, official maps
25 may for a period of up to five years designate the boundaries of
26 areas reserved for purposes of soil conservation, water supply
27 conservation, flood control, and surface water drainage and
28 removal, including appropriate regulations protecting ~~such~~ those
29 areas against encroachment by buildings, or other physical
30 structures or facilities.

31 Sec. 17. Minnesota Statutes 2004, section 462.355,
32 subdivision 4, is amended to read:

33 Subd. 4. [INTERIM ORDINANCE.] If a municipality is
34 conducting studies or has authorized a study to be conducted or
35 has held or has scheduled a hearing for the purpose of
36 considering adoption or amendment of a comprehensive plan or

1 official controls as defined in section 462.352, subdivision 15,
2 or if new territory for which plans or controls have not been
3 adopted is annexed to a municipality, the governing body of the
4 municipality may adopt an interim ordinance applicable to all or
5 part of its jurisdiction for the purpose of protecting the
6 planning process and the health, safety and welfare of its
7 citizens. The interim ordinance may regulate, restrict, or
8 prohibit any use, development, or subdivision within the
9 jurisdiction or a portion thereof for a period not to exceed one
10 year from the date it is effective. The period of an interim
11 ordinance applicable to an area that is affected by a city's
12 master plan for a municipal airport may be extended for such
13 additional periods as the municipality may deem appropriate, not
14 exceeding a total additional period of 18 months ~~in-the-case~~
15 ~~where-the-Minnesota-Department-of-Transportation-has-requested-a~~
16 ~~city-to-review-its-master-plan-for-a-municipal-airport-prior-to~~
17 ~~August-17-2004~~. In all other cases, no interim ordinance may
18 halt, delay, or impede a subdivision ~~which~~ that has been given
19 preliminary approval, nor may any interim ordinance extend the
20 time deadline for agency action set forth in section 15.99 with
21 respect to any application filed prior to the effective date of
22 the interim ordinance. The governing body of the municipality
23 may extend the interim ordinance after a public hearing and
24 written findings have been adopted based upon one or more of the
25 conditions in clause (1), (2), or (3). The public hearing must
26 be held at least 15 days but not more than 30 days before the
27 expiration of the interim ordinance, and notice of the hearing
28 must be published at least ten days before the hearing. The
29 interim ordinance may be extended for the following conditions
30 and durations, but, except as provided in clause (3), an interim
31 ordinance may not be extended more than an additional 18 months:
32 (1) up to an additional 120 days following the receipt of
33 the final approval or review by a federal, state, or
34 metropolitan agency when the approval is required by law and the
35 review or approval has not been completed and received by the
36 municipality at least 30 days before the expiration of the

1 interim ordinance;

2 (2) up to an additional 120 days following the completion
3 of any other process required by a state statute, federal law,
4 or court order, when the process is not completed at least 30
5 days before the expiration of the interim ordinance; or

6 (3) up to an additional one year if the municipality has
7 not adopted a comprehensive plan under this section at the time
8 the interim ordinance is enacted.

9 Sec. 18. Minnesota Statutes 2004, section 462.359,
10 subdivision 1, is amended to read:

11 Subdivision 1. [STATEMENT OF PURPOSE.] Land that is needed
12 for future street purposes or for aviation purposes and as sites
13 for other necessary public facilities and services is frequently
14 diverted to nonpublic uses which that could have been located on
15 other lands without hardship or inconvenience to the owners.
16 When this happens, public uses of land may be denied or may be
17 obtained later only at prohibitive cost or at the expense of
18 dislocating the owners and occupants of the land.
19 Identification on an official map of land needed for future
20 public uses permits both the public and private property owners
21 to adjust their building plans equitably and conveniently before
22 investments are made which that will make such adjustments
23 difficult to accomplish.

24 Sec. 19. Minnesota Statutes 2004, section 462.359,
25 subdivision 3, is amended to read:

26 Subd. 3. [EFFECT.] After an official map has been adopted
27 and filed, the issuance of building permits by the municipality
28 ~~shall be~~ is subject to the ~~provisions of~~ this section. Whenever
29 any street or highway is widened or improved or any new street
30 is opened, or interests in lands for other public purposes,
31 including aviation purposes, are acquired by the municipality,
32 it is not required in such proceedings to pay for any building
33 or structure placed without a permit or in violation of
34 conditions of a permit within the limits of the mapped street or
35 outside of any building line that may have been established upon
36 the existing street or within any area thus identified for

1 public purposes. The adoption of an official map does not give
2 the municipality any right, title, or interest in areas
3 identified for public purposes thereon, but the adoption of the
4 map does authorize the municipality to acquire such interests
5 without paying compensation for buildings or structures erected
6 in such those areas without a permit or in violation of the
7 conditions of a permit.

8 Sec. 20. [REPEALER.]

9 Minnesota Statutes 2004, section 360.59, subdivisions 4 and
10 9, are repealed.

APPENDIX
Repealed Minnesota Statutes for 05-0338

360.59 AIRCRAFT REGISTRATION AND LISTING FOR TAXATION.

Subd. 4. **Number plates.** The commissioner, upon such approval and payment, shall also issue to the applicant number plates, decalcomania labels, or stamps bearing an abbreviation of the state name and the number assigned to the aircraft. After being issued for use upon an aircraft no number plate, label, or stamp shall be transferred to another aircraft. Such number plates, labels, or stamps shall be securely attached in a conspicuous place on the aircraft for which they are issued.

Subd. 9. **Defacement or destruction of number plates.** In the event of the defacement, loss, or destruction of any number plates the commissioner upon receiving and filing a sworn statement of the aircraft owner, setting forth the circumstances of the defacement, loss, destruction, or theft of the number plates, together with any defaced plates and the payment of the fee of \$1 shall issue a new set of plates especially designed for that purpose. The commissioner shall then note on the records the issue of such new number plates and shall proceed in such manner as the commissioner may deem advisable to cancel and call in the original plates so as to insure against their use on another aircraft. Duplicate registration certificates plainly marked as duplicates may be issued in like cases upon the payment of a 25 cents fee.

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

**S.F. No. 1504 - Privacy of Information in Driver and
Vehicle Records**

Author: Senator Claire A. Robing

Prepared by: Bonnie Berezovsky, Senate Counsel (651/296-9191) *BB*
Amy Vennewitz, Fiscal Analyst (651/296-7681)

Date: March 29, 2005

Section 1, Subdivisions 1 and 2, make several changes in the section of law relating to personal information provided by an individual to register a vehicle. The changes:

- Clarify that data provided to register a vehicle is public data on individuals, which must be disclosed by the commissioner if permitted by federal law. Current language is stricken that allows a vehicle owner to request classification of the owner's name and residence address as private data on individuals.
- Permit a vehicle owner to consent in writing to disclosure of personal information otherwise exempted by federal law. Current language is stricken that requires the department to inform vehicle owners clearly and conspicuously on title and registration forms of their options to permit or refuse disclosure of their personal information.
- Eliminate the requirement that the department allow vehicle owners to request that bulk surveys, marketing, or solicitation not be directed to them.

Subdivision 3 permits a vehicle owner to request classification of the owner's name and residence address as private data on individuals if the classification is required for the owner or owner's family's safety. The owner must supply a valid, existing address to receive service of process. Name and address information that are classified as private data on individuals are still available upon request of law enforcement agencies, probation and parole agencies, and public authorities.

Section 2 allows a vehicle owner listed on a title application to provide a specified alternate mailing address, if the owner provides verification from the United States Postal Service that mail will not be delivered to the owner's residence address. Under these circumstances, the commissioner must use the alternate mailing address for notices and mailings to the registered owner.

Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 make technical and clarifying changes.

Section 16 is similar to an existing section of law in a different chapter that is repealed in section 22. This section provides that the operation of a vehicle within the state of Minnesota signifies agreement to the appointment of the Commissioner of Public Safety to receive service of process on behalf of the vehicle operator under certain circumstances, in an action arising out of the use of a vehicle in Minnesota that resulted in personal or property damage or loss. The appointment is irrevocable by a resident who is absent from the state continuously for six months or more following an accident, and by a nonresident at any time. Service on the commissioner is made by filing a copy of the papers in the commissioner's office, together with a fee of \$20 (increased from the current service fee of \$2). The plaintiff must then mail the process to the defendant at the defendant's last known address within ten days after filing the process with the commissioner.

Section 17 is similar to existing law in a different chapter that is repealed in section 22. This section allows the court to continue a pending action for up to 90 days, to allow the defendant reasonable opportunity to defend. If the plaintiff prevails, the \$20 service fee (currently \$2) is taxed as part of the plaintiff's costs. The commissioner must keep a record of all process served, showing day and time of service.

Section 18 allows an applicant for a driver's license to provide a specified alternate mailing address, if the applicant provides verification from the United States Postal Service that mail will not be delivered to the applicant's residence address. Under these circumstances, the commissioner must use the alternate mailing address for notices and mailings to the applicant.

Section 19 allows an applicant for an identification card the same right to provide an alternate mailing address as is described in section 18.

Section 20 makes the same changes in data classification and special privacy classification for safety reasons for an applicant for a driver's license, instruction permit, or identification card as are described in section 1.

Section 21 instructs the revisor to recodify two sections from Chapter 170, Traffic Accident Provisions (Section 170.24 dealing with suspension of license for neglect to report accident, and section 170.54, which deems a driver to be the agent of the owner) into section 169.09, which deals with Traffic Accidents in the Traffic Regulations chapter.

Section 22 repeals:

- Minnesota Statutes, section 169.09, subdivision 10, that requires an accident report

- to be made on an appropriate, department-approved form; and
Minnesota Statutes, section 170.55, relating to service of process. The language is largely reproduced in sections 16 and 17.

BB/AV:rer

Senators Robling and Ortman introduced--
 S.F. No. 1504: Referred to the Committee on Transportation.

1 A bill for an act
 2 relating to public safety; modifying provisions
 3 regulating motor vehicle and driver applications and
 4 records; modifying vehicle accident reports and
 5 procedures, including provision for vehicle accident
 6 "long arm" statute; making technical and clarifying
 7 changes; amending Minnesota Statutes 2004, sections
 8 168.346; 168A.04, by adding a subdivision; 169.09,
 9 subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14,
 10 15, by adding subdivisions; 171.07, subdivisions 1, 3;
 11 171.12, subdivision 7; repealing Minnesota Statutes
 12 2004, sections 169.09, subdivision 10; 170.55.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

14 Section 1. Minnesota Statutes 2004, section 168.346, is
 15 amended to read:

16 168.346 [PRIVACY OF NAME-OR-RESIDENCE-ADDRESS PERSONAL
 17 INFORMATION.]

18 ~~(a)-The-registered-owner-of-a-motor-vehicle-may-request-in~~
 19 ~~writing-that-the-owner's-residence-address-or-name-and-residence~~
 20 ~~address-be-classified-as-private-data-on-individuals,-as-defined~~
 21 ~~in-section-13.02,-subdivision-12.---The-commissioner-shall-grant~~
 22 ~~the-classification-upon-receipt-of-a-signed-statement-by-the~~
 23 ~~owner-that-the-classification-is-required-for-the-safety-of-the~~
 24 ~~owner-or-the-owner's-family,-if-the-statement-also-provides-a~~
 25 ~~valid,-existing-address-where-the-owner-consents-to-receive~~
 26 ~~service-of-process.---The-commissioner-shall-use-the-mailing~~
 27 ~~address-in-place-of-the-residence-address-in-all-documents-and~~
 28 ~~notices-pertaining-to-the-motor-vehicle.---The-residence-address~~
 29 ~~or-name-and-residence-address-and-any-information-provided-in~~

1 ~~the classification request, other than the mailing address, are~~
 2 ~~private data on individuals and may be provided to requesting~~
 3 ~~law enforcement agencies, probation and parole agencies, and~~
 4 ~~public authorities, as defined in section 518.54, subdivision~~
 5 ~~9. Subdivision 1. [VEHICLE REGISTRATION DATA; FEDERAL~~
 6 ~~COMPLIANCE.] (a) Data on an individual provided to register a~~
 7 ~~vehicle is public data on individuals. The commissioner shall~~
 8 ~~disclose this data if permitted by United States Code, title 18,~~
 9 ~~section 2721, subsection (b).~~

10 (b) ~~An individual~~ The registered owner of a motor vehicle
 11 ~~must be informed in a clear and conspicuous manner on the forms~~
 12 ~~for issuance or renewal of titles and registrations, that the~~
 13 ~~owner's personal information who is an individual may be~~
 14 ~~disclosed~~ consent in writing to the commissioner to disclose the
 15 individual's personal information exempted by United States
 16 Code, title 18, section 2721, subsection (b), to any person who
 17 makes a written request for the personal information, and that,
 18 except for uses permitted by United States Code, title 18,
 19 section 2721, subsection (b). If the registered owner may
 20 ~~prohibit disclosure of the personal information by so indicating~~
 21 ~~on the form is an individual and so authorizes disclosure, the~~
 22 ~~commissioner shall implement the request. For purposes of this~~
 23 ~~paragraph, access by requesters making requests described in~~
 24 ~~section 168.345, subdivision 4, is deemed to be related to~~
 25 ~~public safety.~~

26 (c) ~~At the time of registration or renewal,~~ If authorized
 27 by the individual registered owner of a motor vehicle must also
 28 ~~be informed in a clear and conspicuous manner on forms that as~~
 29 ~~indicated in paragraph (b), the registered owner's personal~~
 30 ~~information may be used, rented, or sold solely for bulk~~
 31 ~~distribution by organizations for business purposes including~~
 32 ~~surveys, marketing, and or solicitation. The commissioner shall~~
 33 ~~implement methods and procedures that enable the registered~~
 34 ~~owner to request that bulk surveys, marketing, or solicitation~~
 35 ~~not be directed to the owner. If the registered owner so~~
 36 ~~requests, the commissioner shall implement the request in a~~

~~1 timely-manner-and-the-personal-information-may-not-be-so-used-~~

2 ~~(d)~~ Subd. 2. [PERSONAL INFORMATION DISCLOSURE FOR PUBLIC
3 SAFETY.] The commissioner shall disclose personal information
4 when the use is related to the operation or use of a motor
5 vehicle or to public safety. The use of personal information is
6 related to public safety if it concerns the physical safety or
7 security of drivers, vehicles, pedestrians, or property. The
8 commissioner may refuse to disclose data under this paragraph
9 subdivision when the commissioner concludes that the requester
10 is likely to use the data for illegal, improper, or
11 noninvestigative purposes.

12 ~~(e)-To-the-extent-permitted-by-United-States-Code, title~~
13 ~~18, section 2721, data on individuals provided to register a~~
14 ~~motor vehicle is public data on individuals and shall be~~
15 ~~disclosed as permitted by United States Code, title 18, section~~
16 ~~2721, subsection (b).~~ Subd. 3. [PRIVACY CLASSIFICATION FOR
17 PERSONAL SAFETY.] The registered owner of a vehicle who is an
18 individual may request, in writing, that the registered owner's
19 residence address or name and residence address be classified as
20 "private data on individuals," as defined in section 13.02,
21 subdivision 12. The commissioner shall grant the classification
22 on receipt of a signed statement by the registered owner that
23 the classification is required for the safety of the registered
24 owner or the registered owner's family, if the statement also
25 provides a valid, existing address where the registered owner
26 consents to receive service of process. The commissioner shall
27 use the service of process mailing address in place of the
28 registered owner's residence address in all documents and
29 notices pertaining to the vehicle. The residence address or
30 name and residence address and any information provided in the
31 classification request, other than the individual's service for
32 process mailing address, are private data on individuals but may
33 be provided to requesting law enforcement agencies, probation
34 and parole agencies, and public authorities, as defined in
35 section 518.54, subdivision 9.

36 Sec. 2. Minnesota Statutes 2004, section 168A.04, is

1 amended by adding a subdivision to read:

2 Subd. 2a. [ALTERNATE MAILING ADDRESS.] If the United
3 States Postal Service will not deliver mail to the residence
4 address of a registered owner who is an individual as listed on
5 the title application, then the registered owner must provide
6 verification from the United States Postal Service that mail
7 will not be delivered to the registered owner's residence
8 address and that mail will be delivered to a specified alternate
9 mailing address. When an applicant provides an alternate
10 mailing address under this subdivision, the commissioner shall
11 use the alternate mailing address in lieu of the residence
12 address for all notices and mailings to the registered owner.

13 Sec. 3. Minnesota Statutes 2004, section 169.09,
14 subdivision 1, is amended to read:

15 Subdivision 1. [DRIVER TO STOP FOR ACCIDENT WITH
16 PERSON INDIVIDUAL.] The driver of any motor vehicle involved in
17 an accident resulting in immediately demonstrable bodily injury
18 to or death of any person individual shall immediately stop the
19 vehicle at the scene of the accident, or as close to the scene
20 as possible, but shall then return to and in every event, shall
21 remain at, the scene of the accident, until the driver has
22 fulfilled the requirements of this chapter section as to the
23 giving of information. The stop ~~shall~~ must be made without
24 unnecessarily obstructing traffic.

25 Sec. 4. Minnesota Statutes 2004, section 169.09,
26 subdivision 2, is amended to read:

27 Subd. 2. [DRIVER TO STOP FOR ACCIDENT TO PROPERTY.] The
28 driver of any motor vehicle involved in an accident to a vehicle
29 ~~which-is~~ driven or attended by any person individual shall
30 immediately stop ~~such~~ the motor vehicle at the scene of ~~such~~ the
31 accident, or as close ~~thereto~~ to the accident as possible, but
32 shall forthwith return to, and in every event shall remain at,
33 the scene of the accident, until the driver has fulfilled the
34 requirements of this chapter section as to the giving of
35 information. ~~Every-such~~ The stop ~~shall~~ must be made without
36 unnecessarily obstructing traffic ~~more-than-is-necessary~~.

1 Sec. 5. Minnesota Statutes 2004, section 169.09,
2 subdivision 3, is amended to read:

3 Subd. 3. [DRIVER TO GIVE INFORMATION.] (a) The driver of
4 any motor vehicle involved in an accident resulting in bodily
5 injury to or death of any person individual, or damage to any
6 vehicle ~~which-is~~ driven or attended by any person individual,
7 shall stop and give the driver's name, address, and date of
8 birth and the registration plate number of the vehicle being
9 driven, ~~and~~. The driver shall, upon request and if available,
10 exhibit the driver's license or permit to drive to the person
11 individual struck or the driver or occupant of or person
12 individual attending any vehicle collided with. The driver also
13 shall give the information and upon request exhibit the license
14 or permit to any ~~police~~ peace officer at the scene of the
15 accident or who is investigating the accident. The driver shall
16 render reasonable assistance to any person individual injured in
17 the accident.

18 (b) If not given at the scene of the accident, the driver,
19 within 72 hours ~~thereafter~~ after the accident, shall give upon,
20 on request to any person individual involved in the accident or
21 to a peace officer investigating the accident, the name and
22 address of the insurer providing ~~automobile~~ vehicle liability
23 insurance coverage, and the local insurance agent for the
24 insurer.

25 Sec. 6. Minnesota Statutes 2004, section 169.09,
26 subdivision 4, is amended to read:

27 Subd. 4. [COLLISION WITH UNATTENDED VEHICLE.] The driver
28 of any motor vehicle ~~which~~ that collides with and damages any
29 vehicle ~~which~~ that is unattended shall immediately stop and
30 either locate and notify the driver or owner of the vehicle of
31 the name and address of the driver and registered owner of the
32 vehicle striking the unattended vehicle, shall report ~~the~~ this
33 same information to a ~~police~~ peace officer, or shall leave in a
34 conspicuous place in or secured to the vehicle struck, a written
35 notice giving the name and address of the driver and of
36 the registered owner of the vehicle doing the striking.

1 Sec. 7. Minnesota Statutes 2004, section 169.09,
2 subdivision 5, is amended to read:

3 Subd. 5. [NOTIFY OWNER OF DAMAGED PROPERTY.] The driver of
4 any vehicle involved in an accident resulting only in damage to
5 fixtures legally upon or adjacent to a highway shall take
6 reasonable steps to locate and notify the owner or person in
7 charge of ~~such~~ the property of ~~such~~ that fact ~~and,~~ of the
8 driver's name and address, and of the registration plate number
9 of the vehicle being driven and shall, upon request and if
10 available, exhibit the driver's ~~or-chauffeur's~~ license, and make
11 report of ~~such~~ the accident in every case. The report ~~shall~~
12 must be made in the same manner as a report made pursuant to
13 subdivision 7.

14 Sec. 8. Minnesota Statutes 2004, section 169.09,
15 subdivision 6, is amended to read:

16 Subd. 6. [~~NOTIFY-POLICE~~ NOTICE OF PERSONAL INJURY.] The
17 driver of a vehicle involved in an accident resulting in bodily
18 injury to or death of any ~~person~~ individual shall, after
19 compliance with ~~the-provisions-of~~ this section, and by the
20 quickest means of communication, give notice of the accident to
21 the local police department, if the accident occurs within a
22 municipality, ~~or~~ to a State Patrol officer if the accident
23 occurs on a trunk highway, or to the office of the sheriff of
24 the county.

25 Sec. 9. Minnesota Statutes 2004, section 169.09,
26 subdivision 7, is amended to read:

27 Subd. 7. [ACCIDENT REPORT TO COMMISSIONER.] (a) The driver
28 of a vehicle involved in an accident resulting in bodily injury
29 to or death of any ~~person~~ individual or total property damage to
30 an apparent extent of \$1,000 or more, shall forward a written
31 report of the accident to the commissioner of public safety
32 within ten days ~~thereof~~ of the accident. On the required
33 report, the driver shall provide the commissioner with the name
34 and policy number of the insurer providing vehicle
35 liability insurance coverage at the time of the accident.

36 (b) On determining that the original report of any driver

1 of a vehicle involved in an accident of which report must be
2 made as provided in this section is insufficient, the
3 commissioner of public safety may require the driver to file
4 supplementary reports information.

5 Sec. 10. Minnesota Statutes 2004, section 169.09,
6 subdivision 8, is amended to read:

7 Subd. 8. [OFFICER TO REPORT ACCIDENT TO COMMISSIONER.]

8 A ~~law-enforcement~~ peace officer who, in the regular course of
9 duty, investigates ~~a-meter-vehicle~~ an accident that must be
10 reported under this section shall, within ten days after the
11 date of the accident, forward an electronic or written report of
12 the accident ~~to~~ as prescribed by the commissioner of public
13 safety.

14 Sec. 11. Minnesota Statutes 2004, section 169.09,
15 subdivision 9, is amended to read:

16 Subd. 9. [ACCIDENT REPORT ~~FORMS~~ FORMAT.] The Department

17 commissioner of public safety shall ~~prepare-electronic-or~~
18 ~~written-forms~~ prescribe the format for the accident reports
19 required under this section. Upon request the
20 ~~department~~ commissioner shall supply make available the forms
21 format to police departments, coroners, sheriffs, garages, and
22 other suitable agencies or individuals. ~~The-forms-must-be~~
23 ~~appropriate-with-respect-to-the-persons-required-to-make-the~~
24 ~~reports-and-the-purposes-to-be-served.~~ The electronic or
25 written report forms to be completed by persons individuals
26 involved in accidents and by investigating peace officers
27 ~~must call-for-sufficiently-detailed-information-to~~ disclose with
28 ~~reference-to-a-traffic-accident~~ the causes, existing conditions
29 ~~then-existing,~~ and the persons individuals and vehicles involved.

30 Sec. 12. Minnesota Statutes 2004, section 169.09,
31 subdivision 11, is amended to read:

32 Subd. 11. [CORONER TO REPORT DEATH.] Every coroner or
33 other official performing like functions shall report in writing
34 to the Department commissioner of public safety the death of any
35 person individual within the coroner's jurisdiction as the
36 result of an accident involving a meter vehicle and the

1 circumstances of the accident. The report ~~shall~~ must be made
2 within 15 days after the death.

3 In the case of drivers killed in motor vehicle accidents
4 and of the death of pedestrians 16 years of age or older, who
5 die within four hours after an accident, the coroner or other
6 official performing like functions shall examine the body and
7 shall make tests as are necessary to determine the presence and
8 percentage concentration of alcohol, and drugs if feasible, in
9 the blood of the victim. This information ~~shall~~ must be
10 included in each report submitted pursuant to the provisions of
11 this subdivision and shall be tabulated on a monthly basis by
12 the Department commissioner of public safety. This information
13 may be used only for statistical purposes ~~which~~ that do not
14 reveal the identity of the deceased.

15 Sec. 13. Minnesota Statutes 2004, section 169.09,
16 subdivision 12, is amended to read:

17 Subd. 12. [GARAGE TO REPORT BULLET DAMAGE.] The
18 person individual in charge of any garage or repair shop to
19 which is brought any motor vehicle ~~which~~ that shows evidence of
20 having been struck by any bullet shall immediately report to the
21 local police or sheriff and to the commissioner of public safety
22 within 24 hours after ~~such-motor~~ the vehicle is received, giving
23 the engine number if any, registration plate number, and the
24 name and address of the registered owner or operator of ~~such~~ the
25 vehicle.

26 Sec. 14. Minnesota Statutes 2004, section 169.09,
27 subdivision 14, is amended to read:

28 Subd. 14. [PENALTIES.] (a) The driver of any vehicle who
29 violates subdivision 1 or 6 and who did not cause the accident
30 is punishable as follows:

31 (1) if the accident results in the death of any person
32 individual, the driver is guilty of a felony and may be
33 sentenced to imprisonment for not more than three years, or to
34 payment of a fine of not more than \$5,000, or both;

35 (2) if the accident results in great bodily harm to any
36 person individual, as defined in section 609.02, subdivision 8,

1 the driver is guilty of a felony and may be sentenced to
2 imprisonment for not more than two years, or to payment of a
3 fine of not more than \$4,000, or both; or

4 (3) if the accident results in substantial bodily harm to
5 any person individual, as defined in section 609.02, subdivision
6 7a, the driver may be sentenced to imprisonment for not more
7 than one year, or to payment of a fine of not more than \$3,000,
8 or both.

9 (b) The driver of any vehicle involved in an accident not
10 resulting in substantial bodily harm or death who violates
11 subdivision 1 or 6 may be sentenced to imprisonment for not more
12 than one year, or to payment of a fine of not more than \$3,000,
13 or both.

14 (c) Any person who violates subdivision 2, 3, 4, 5, 7, 8,
15 ~~10~~, 11, or 12 is guilty of a misdemeanor.

16 (d) The attorney in the jurisdiction in which the violation
17 occurred who is responsible for prosecution of misdemeanor
18 violations of this section shall also be responsible for
19 prosecution of gross misdemeanor violations of this section.

20 Sec. 15. Minnesota Statutes 2004, section 169.09,
21 subdivision 15, is amended to read:

22 Subd. 15. [DEFENSE.] It is an affirmative defense to
23 prosecution under subdivisions 1, 2, and 6 that the driver left
24 the scene of the accident to take any person individual
25 suffering immediately demonstrable bodily injury in the accident
26 to receive emergency medical care if the driver of the involved
27 vehicle gives notice to a law enforcement agency as required by
28 subdivision 6 as soon as reasonably feasible after the emergency
29 medical care has been undertaken.

30 Sec. 16. Minnesota Statutes 2004, section 169.09, is
31 amended by adding a subdivision to read:

32 Subd. 16. [COMMISSIONER AS AGENT FOR SERVICE OF
33 PROCESS.] The use and operation by a resident of this state or
34 the resident's agent, or by a nonresident or the nonresident's
35 agent, of a motor vehicle within the state of Minnesota, is
36 deemed an irrevocable appointment by the resident if absent from

1 this state continuously for six months or more following an
2 accident, or by the nonresident at any time, of the commissioner
3 of public safety to be the resident's or nonresident's true and
4 lawful attorney upon whom may be served all legal process in any
5 action or proceeding against the resident or nonresident or the
6 executor, administrator, or personal representative of the
7 resident or nonresident growing out of the use and operation of
8 a motor vehicle within this state, resulting in damages or loss
9 to person or property, whether the damage or loss occurs on a
10 highway or on abutting public or private property. This
11 appointment is binding upon the nonresident's executor,
12 administrator, or personal representative. The use or operation
13 of a motor vehicle by the resident or nonresident is a
14 signification of agreement that any process in any action
15 against the resident or nonresident or executor, administrator,
16 or personal representative of the resident or nonresident that
17 is so served has the same legal force and validity as if served
18 upon the resident or nonresident personally or on the executor,
19 administrator, or personal representative of the resident or
20 nonresident. Service of process must be made by serving a copy
21 thereof upon the commissioner or by filing a copy in the
22 commissioner's office, together with payment of a fee of \$20,
23 and is deemed sufficient service upon the absent resident or the
24 nonresident or the executor, administrator, or personal
25 representative of the resident or nonresident; provided that,
26 notice of service and a copy of the process are within ten days
27 thereafter sent by mail by the plaintiff to the defendant at the
28 defendant's last known address and that the plaintiff's
29 affidavit of compliance with the provisions of this chapter is
30 attached to the summons.

31 Sec. 17. Minnesota Statutes 2004, section 169.09, is
32 amended by adding a subdivision to read:

33 Subd. 17. [CONTINUANCE OF COURT PROCEEDING; COSTS.] The
34 court in which the action is pending may order a continuance as
35 may be necessary to afford the defendant reasonable opportunity
36 to defend the action, not exceeding 90 days from the date of

1 filing of the action in that court. The fee of \$20 paid by the
2 plaintiff to the commissioner at the time of service of the
3 proceedings must be taxed in the plaintiff's cost if the
4 plaintiff prevails in the suit. The commissioner shall keep a
5 record of all processes so served, which must show the day and
6 hour of service.

7 Sec. 18. Minnesota Statutes 2004, section 171.07,
8 subdivision 1, is amended to read:

9 Subdivision 1. [LICENSE; CONTENTS.] (a) Upon the payment
10 of the required fee, the department shall issue to every
11 qualifying applicant a license designating the type or class of
12 vehicles the applicant is authorized to drive as applied for.
13 This license must bear a distinguishing number assigned to the
14 licensee~~7~~; the licensee's full name, date of birth, and
15 residence address ~~and-permanent-mailing-address-if-different7~~; a
16 description of the licensee in a manner as the commissioner
17 deems necessary~~7~~; and the usual signature of the licensee. No
18 license is valid unless it bears the usual signature of the
19 licensee. Every license must bear a colored photograph or an
20 electronically produced image of the licensee.

21 (b) If the United States Postal Service will not deliver
22 mail to the applicant's residence address as listed on the
23 license, then the applicant shall provide verification from the
24 United States Postal Service that mail will not be delivered to
25 the applicant's residence address and that mail will be
26 delivered to a specified alternate mailing address. When an
27 applicant provides an alternate mailing address under this
28 subdivision, the commissioner shall use the alternate mailing
29 address in lieu of the applicant's residence address for all
30 notices and mailings to the applicant.

31 (c) Every license issued to an applicant under the age of
32 21 must be of a distinguishing color and plainly marked
33 "Under-21."

34 (e) (d) The department shall use processes in issuing a
35 license that prohibit, as nearly as possible, the ability to
36 alter or reproduce a license, or prohibit the ability to

1 superimpose a photograph or electronically produced image on a
2 license, without ready detection.

3 ~~(d)~~ (e) A license issued to an applicant age 65 or over
4 must be plainly marked "senior" if requested by the applicant.

5 Sec. 19. Minnesota Statutes 2004, section 171.07,
6 subdivision 3, is amended to read:

7 Subd. 3. [IDENTIFICATION CARD; FEE.] (a) Upon payment of
8 the required fee, the department shall issue to every qualifying
9 applicant a Minnesota identification card. The department may
10 not issue a Minnesota identification card to a person an
11 individual who has a driver's license, other than a limited
12 license. The card must bear a distinguishing number assigned to
13 the applicant; a colored photograph or an electronically
14 produced image of the applicant; the applicant's full name, date
15 of birth, and residence address; a description of the applicant
16 in the manner as the commissioner deems necessary; and the usual
17 signature of the applicant.

18 (b) If the United States Postal Service will not deliver
19 mail to the applicant's residence address as listed on the
20 Minnesota identification card, then the applicant shall provide
21 verification from the United States Postal Service that mail
22 will not be delivered to the applicant's residence address and
23 that mail will be delivered to a specified alternate mailing
24 address. When an applicant provides an alternate mailing
25 address under this subdivision, the commissioner shall use the
26 alternate mailing address in lieu of the applicant's residence
27 address for all notices and mailings to the applicant.

28 (c) Each identification card issued to an applicant under
29 the age of 21 must be of a distinguishing color and plainly
30 marked "Under-21."

31 ~~(e)~~ (d) Each Minnesota identification card must be plainly
32 marked "Minnesota identification card - not a driver's license."

33 ~~(d)~~ (e) The fee for a Minnesota identification card is 50
34 cents when issued to a person who is mentally retarded, as
35 defined in section 252A.02, subdivision 2; a physically disabled
36 person, as defined in section 169.345, subdivision 2; or, a

1 person with mental illness, as described in section 245.462,
2 subdivision 20, paragraph (c).

3 Sec. 20. Minnesota Statutes 2004, section 171.12,
4 subdivision 7, is amended to read:

5 Subd. 7. [~~PRIVACY OF RESIDENCE-ADDRESS DATA.~~] (a) An
6 ~~applicant-for~~ Data on individuals provided to obtain a driver's
7 ~~license or a Minnesota identification card may request that the~~
8 ~~applicant's residence address be classified as private~~ is public
9 ~~data on individuals, as defined in section 13.02, subdivision~~
10 ~~12. The commissioner shall grant the classification upon~~
11 ~~receipt of a signed statement by the individual that the~~
12 ~~classification is required for the safety of the applicant or~~
13 ~~the applicant's family, if the statement also provides a valid,~~
14 ~~existing address where the applicant consents to receive service~~
15 ~~of process. The commissioner shall use the mailing address in~~
16 ~~place of the residence address in all documents and notices~~
17 ~~pertaining to the driver's license or identification card. The~~
18 ~~residence address and any information provided in the~~
19 ~~classification request, other than the mailing address, are~~
20 ~~private data on individuals and may be provided to requesting~~
21 ~~law enforcement agencies, probation and parole agencies, and~~
22 ~~public authorities, as defined in section 518.54, subdivision 9~~
23 The commissioner shall disclose this data if permitted by United
24 States Code, title 18, section 2721, subsection (b).

25 (b) An applicant for a driver's license or a Minnesota
26 identification card ~~must be informed in a clear and conspicuous~~
27 ~~manner on the forms for the issuance or renewal that~~ may
28 consent, in writing, to the commissioner to disclose the
29 applicant's personal information may be disclosed ~~exempted by~~
30 United States Code, title 18, section 2721, subsection (b), to
31 any person who makes a request for the personal information, and
32 that except for uses permitted by United States Code, title 18,
33 section 2721, subsection (b), the applicant may prohibit
34 disclosure of the personal information by so indicating on the
35 form. If the applicant so authorizes disclosures, the
36 commissioner shall implement the request and the information may

1 be used.

2 (c) If authorized by an applicant for a driver's license or
3 a Minnesota identification card must-be-also-informed-in-a-clear
4 and-conspicuous-manner-on-forms-that, as indicated in paragraph
5 (b), the applicant's personal information may be used, rented,
6 or sold solely for bulk distribution by organizations for
7 business purposes, including surveys, marketing, or
8 solicitation. ~~The-commissioner-shall-implement-methods-and~~
9 ~~procedures-that-enable-the-applicant-to-request-that-bulk~~
10 ~~surveys,-marketing,-or-solicitation-not-be-directed-to-the~~
11 ~~applicant.--If-the-applicant-so-requests,-the-commissioner-shall~~
12 ~~implement-the-request-in-a-timely-manner-and-the-personal~~
13 ~~information-may-not-be-so-used.~~

14 (d) ~~To-the-extent-permitted-by-United-States-Code,-title~~
15 ~~18,-section-2721,-data-on-individuals-provided-to-obtain-a~~
16 ~~Minnesota-identification-card-or-a-driver's-license-is-public~~
17 ~~data-on-individuals-and-shall-be-disclosed-as-permitted-by~~
18 ~~United-States-Code,-title-18,-section-2721,-subsection-(b):~~ An
19 applicant for a driver's license, instruction permit, or
20 Minnesota identification card may request that the applicant's
21 residence address be classified as "private data on
22 individuals," as defined in section 13.02, subdivision 12. The
23 commissioner shall grant the classification on receipt of a
24 signed statement by the individual that the classification is
25 required for the safety of the applicant or the applicant's
26 family, if the statement also provides a valid, existing address
27 where the applicant consents to receive service of process. The
28 commissioner shall use the service for process mailing address
29 in place of the residence address in all documents and notices
30 pertaining to the driver's license, instruction permit, or
31 Minnesota identification card. The residence address and any
32 information provided in the classification request, other than
33 the mailing address, are private data on individuals and may be
34 provided to requesting law enforcement agencies, probation and
35 parole agencies, and public authorities, as defined in section
36 518.54, subdivision 9.

1 Sec. 21. [INSTRUCTION TO REVISOR.]

2 The revisor of statutes shall renumber each section of
3 Minnesota Statutes in column A with the number in column B. The
4 revisor shall also make any necessary cross-reference changes.

5	<u>Column A</u>	<u>Column B</u>
6	<u>170.24</u>	<u>169.09, subdivision 14a</u>
7	<u>170.54</u>	<u>169.09, subdivision 5a</u>

8 Sec. 22. [REPEALER.]

9 Minnesota Statutes 2004, sections 169.09, subdivision 10;
10 and 170.55, are repealed.

APPENDIX
Repealed Minnesota Statutes for 05-0224

169.09 ACCIDENTS.

Subd. 10. Use of form required. A required accident report must be made on an appropriate form approved by the Department of Public Safety and contain all of the information required unless not available.

170.55 SERVICE OF PROCESS.

Subdivision 1. Commissioner as agent for service of process. The use and operation by a resident of this state or the resident's agent, or by a nonresident or the nonresident's agent of a motor vehicle within the state of Minnesota, shall be deemed an irrevocable appointment by such resident if absent from this state continuously for six months or more following an accident, or by such nonresident at any time, of the commissioner of public safety to be the resident's or nonresident's true and lawful attorney upon whom may be served all legal process in any action or proceeding against the resident or nonresident or the executor, administrator, or personal representative of the resident or nonresident growing out of such use and operation of a motor vehicle within this state, resulting in damages or loss to person or property, whether the damage or loss occurs on a highway or on abutting public or private property. Such appointment is binding upon the nonresident's executor, administrator, or personal representative. Such use or operation of a motor vehicle by such resident or nonresident is a signification of agreement that any such process in any action against the resident or nonresident or executor, administrator, or personal representative of the resident or nonresident which is so served, shall be of the same legal force and validity as if served upon the resident or nonresident personally or on the executor, administrator, or personal representative of the resident or nonresident. Service of such process shall be made by serving a copy thereof upon the commissioner or by filing such copy in the commissioner's office, together with payment of a fee of \$2, and such service shall be sufficient service upon the absent resident or the nonresident or the executor, administrator, or personal representative of the resident or nonresident; provided that notice of such service and a copy of the process are within ten days thereafter sent by mail by the plaintiff to the defendant at the defendant's last known address and that the plaintiff's affidavit of compliance with the provisions of this chapter is attached to the summons.

Subd. 2. Continuance of court proceeding; costs. The court in which the action is pending may order such continuance as may be necessary to afford the defendant reasonable opportunity to defend any such action, not exceeding 90 days from the date of filing of the action in such court. The fee of \$2 paid by the plaintiff to the commissioner at the time of service of such proceedings shall be taxed in the plaintiff's cost if the plaintiff prevails in the suit. The said commissioner shall keep a record of all such processes so served which shall show the day and hour of such service.

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

**S.F. No. 652 - Regulation of Metropolitan Airports
Commission Meetings About Reliever Airports**

Author: Senator Michael J. Jungbauer

Prepared by: Bonnie Berezovsky, Senate Counsel (651/296-9191)
Amy Vennewitz, Fiscal Analyst (651/296-7681)

Date: March 10, 2005

Section 1 prohibits Metropolitan Airports Commission (MAC) from meeting to discuss issues relating to reliever airports except during evening hours and except on the premises of a reliever airport. A meeting to discuss an issue relating to a specific reliever airport must be held at that airport; otherwise, the meetings must be rotated among the reliever airports.

BB/AV:rer

Senators Jungbauer, Bachmann and Murphy introduced--
S.F. No. 652: Referred to the Committee on Transportation.

A bill for an act

relating to airports; establishing requirements for
Metropolitan Airports Commission meetings concerning
reliever airports; amending Minnesota Statutes 2004,
section 473.608, by adding a subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2004, section 473.608, is
amended by adding a subdivision to read:

Subd. 27a. [GOVERNANCE OF RELIEVER AIRPORTS.] The
commission is prohibited from holding meetings to discuss issues
related to the establishment, use, operation, equipment,
maintenance, regulation, or disposition of reliever airports
except during evening hours and except on the premises of a
reliever airport. Meeting locations must vary among reliever
airports. A meeting that primarily concerns issues pertaining
to a specific reliever airport must take place on the premises
of that airport.

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 1672 - Department of Transportation Land Acquisition

Author: Senator D. Scott Dibble

Prepared by: Bonnie Berezovsky, Senate Counsel (651/296-9191) *PBB*
Amy Vennewitz, Fiscal Analyst (651/296-7681)

Date: March 29, 2005

Section 1 amends a section of government data practices law, to provide that an appraisal made for a property owner whose property the government has offered to purchase, is private data on individuals, or nonpublic data. This section provides that appraisals do not become public, as they do under current law, when negotiating parties exchange appraisals or when an appraisal is submitted by the acquiring authority to the owner. The law continues to make appraisals public when data are submitted to a court-appointed condemnation commissioner or to the court, or the negotiating parties agree on a purchase contract for the property. This section is effective immediately.

Section 2 changes law relating to land acquisition for transportation purposes in the following ways:

- Applies to all real property acquisitions, not just eminent domain, the requirement that the acquiring authority obtain at least one appraisal for property to be acquired;
- Clarifies that the rights of fee owners of real property in transportation-related acquisitions apply also to contract purchasers;
- Requires the acquiring authority, upon request, to make available to the owner all property appraisals;
- Increases from 60 to 90 the number of days after the owner receives the appraisal from the acquiring authority, for the owner to request reimbursement. Reimbursement must be requested at least 30 days before a condemnation commissioners' hearing;
- Requires the appraisal to be conducted in accordance with the Uniform Standards of Professional Appraisal Practice;
- Requires the acquiring authority to reimburse the owner for appraisal costs within 30

- days after receiving a copy of the appraisal and reimbursement information;
- Allows the authority to reimburse appraisal costs up to \$1,500 directly to the appraiser, if the acquiring authority and owner agree;
- Requires the acquiring authority, when negotiating with the owner for direct purchase of the property, to consider any available appraisals obtained and furnished by the owner; and
- Prohibits any party in a condemnation commissioners' hearing from using an appraisal or an appraiser's testimony, if that party has not furnished the written appraisal to the opposing party at least five days before the hearing.

Section 3 turns back a portion of Trunk Highway 104 (Legislative Route No. 143) to Kandiyohi County. This section was previously processed as Senate File No. 685, Chief Author Senator D. E. Johnson, and was enacted into law, effective March 8, 2005.

Section 4 creates a standing appropriation to the Commissioner of Transportation of the proceeds from the sale or lease of surplus land, to be used for costs of selling or leasing the land, required fees, and costs of construction, reconstruction or improvement of trunk highways, including consultant use and right-of-way acquisition, payments to lessees, interest subsidies, and relocation expenses.

Section 5 allows MnDOT to reconvey property acquired in a pending eminent domain action, back to the previous owner, without the owner's consent, for good cause and with the consent of the court. This section is effective immediately.

Section 6 requires the unit owners' association in common interest communities to accept service of process on behalf of all unit owners when part of the common elements of the property is acquired by eminent domain.

Section 7 allows the unit owners' association in a common interest community to grant transportation easements, through, over, or under common elements, without approval of the individual unit owners.

Section 8 exempts conveyances to the state or a political subdivision for transportation purposes from the requirement that the association record an amended common interest community plat when it files the instrument of conveyance.

Section 9, Subdivision 1, turns back Trunk Highway 224 to Becker County. This language was previously processed as Senate File No. 234, Chief Author Senator Langseth, and has been enacted.

Subdivision 2 turns back Trunk Highway 268 to Pipestone County. This language was previously processed as Senate File No. 225, Chief Author Senator Vickerman, and has been enacted.

BB/AV:rer

Senator Dibble, by request, introduced--

S.F. No. 1672: Referred to the Committee on Transportation.

1 A bill for an act

2 relating to transportation; modifying provisions
3 relating to property transactions of Department of
4 Transportation; changing and removing highway routes;
5 making clarifying changes; amending Minnesota Statutes
6 2004, sections 13.44, subdivision 3; 117.036; 161.115,
7 subdivision 74; 161.44, by adding a subdivision;
8 161.442; 515B.1-107; 515B.3-102; 515B.3-112; repealing
9 Minnesota Statutes 2004, section 161.115, subdivisions
10 155, 199.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

12 Section 1. Minnesota Statutes 2004, section 13.44,
13 subdivision 3, is amended to read:

14 Subd. 3. [REAL PROPERTY; APPRAISAL DATA.] (a) [
15 CONFIDENTIAL OR PROTECTED NONPUBLIC DATA.] Estimated or
16 appraised values of individual parcels of real property which
17 that are made by personnel of the state~~7--its-agencies-and~~
18 ~~departments7~~ or a political subdivision or by independent
19 appraisers acting for the state~~7--its-agencies-and-departments7~~
20 or a political subdivision for the purpose of selling or
21 acquiring land through purchase or condemnation are classified
22 as confidential data on individuals or protected nonpublic data.

23 (b) [PRIVATE OR NONPUBLIC DATA.] Appraised values of
24 individual parcels of real property that are made by appraisers
25 working for fee owners or contract purchasers who have received
26 an offer to purchase their property from the state or a
27 political subdivision are classified as private data on
28 individuals or nonpublic data.

1 (c) [PUBLIC DATA.] The data made confidential or protected
 2 nonpublic ~~by the provisions of~~ under paragraph (a) ~~shall or made~~
 3 private or nonpublic under paragraph (b) become public upon the
 4 occurrence of any of the following:

5 ~~(1) the negotiating parties exchange appraisals;~~

6 ~~(2) the data are submitted to a court-appointed~~
 7 condemnation commissioner;

8 ~~(3) (2) the data are presented in court in condemnation~~
 9 proceedings; or

10 ~~(4) (3) the negotiating parties enter into an agreement for~~
 11 the purchase and sale of the property; ~~or~~

12 ~~(5) the data are submitted to the owner under section~~
 13 ~~117.036.~~

14 [EFFECTIVE DATE.] This section is effective the day
 15 following final enactment.

16 Sec. 2. Minnesota Statutes 2004, section 117.036, is
 17 amended to read:

18 117.036 [APPRAISAL AND NEGOTIATION REQUIREMENTS APPLICABLE
 19 TO ACQUISITION OF PROPERTY FOR TRANSPORTATION PURPOSES.]

20 Subdivision 1. [APPLICATION.] This section applies to the
 21 acquisition of property for public highways, streets, roads,
 22 alleys, airports, mass transit facilities, or for other
 23 transportation facilities or purposes.

24 Subd. 2. [APPRAISAL.] (a) Before ~~commencing an eminent~~
 25 ~~domain proceeding under this chapter~~ acquiring an interest in
 26 real property, the acquiring authority must obtain at least one
 27 appraisal for the property proposed to be acquired. In making
 28 the appraisal, the appraiser must confer with one or more of the
 29 fee owners or contract purchasers of the property, if reasonably
 30 possible. Notwithstanding section 13.44 or any other law to the
 31 contrary, the acquiring authority must provide the fee owner or
 32 contract purchaser with a copy of the appraisal at least 20 days
 33 before presenting a petition under section 117.055, ~~the~~
 34 ~~acquiring authority must provide the owner with a copy of the~~
 35 ~~appraisal~~ and inform the ~~owner of the owner's~~ fee owner or
 36 contract purchaser of the right to obtain an appraisal under

1 this section. Upon request, the acquiring authority must make
2 available to the fee owner or contract purchaser all appraisals
3 of the property.

4 (b) The fee owner or contract purchaser may obtain an
5 appraisal by a qualified appraiser of the property proposed to
6 be acquired. The fee owner or contract purchaser is entitled to
7 reimbursement for the reasonable costs of the appraisal from the
8 acquiring authority up to a maximum of \$1,500 ~~within-30-days~~
9 ~~after-the~~ if the fee owner or contract purchaser:

10 (1) submits to the acquiring authority a copy of the
11 appraisal and the information necessary for reimbursement,
12 ~~provided-that-the-owner-does-so;~~

13 (2) requests reimbursement within 60 90 days after the
14 ~~owner-receives~~ receiving the appraisal from the authority under
15 paragraph (a) and at least 30 days before a condemnation
16 commissioners' hearing; and

17 (3) ensures that the appraisal is conducted in accordance
18 with the Uniform Standards of Professional Appraisal Practice.
19 The acquiring authority must pay the reimbursement to the fee
20 owner or contract purchaser within 30 days after receiving a
21 copy of the appraisal and the reimbursement information. Upon
22 agreement between the acquiring authority and either the fee
23 owner or contract purchaser, the acquiring authority may pay the
24 reimbursement up to \$1,500 directly to the appraiser.

25 Subd. 3. [NEGOTIATION.] In addition to the appraisal
26 requirements under subdivision 2, before commencing an eminent
27 domain proceeding, the acquiring authority must make a good
28 faith attempt to negotiate personally with the fee owner or
29 contract purchaser of the property in order to acquire the
30 property by direct purchase instead of the use of eminent domain
31 proceedings. In making this negotiation, the acquiring
32 authority must consider the appraisals in its possession,
33 including any appraisal obtained and furnished by the fee owner
34 or contract purchaser if available, and other information that
35 may be relevant to a determination of damages under this chapter.

36 Subd. 4. [CONDEMNATION COMMISSIONERS' HEARING.] (a)

1 Notwithstanding section 13.44, an owner's appraisal may not be
2 used or considered in a condemnation commissioners' hearing
3 conducted under section 117.085, nor may the owner's appraiser
4 testify, unless a copy of the owner's appraiser's written report
5 is provided to the acquiring authority at least five days before
6 the hearing.

7 (b) Notwithstanding section 13.44, the acquiring
8 authority's appraisal may not be used or considered in a
9 condemnation commissioners' hearing conducted under section
10 117.085, nor may the acquiring authority's appraiser testify,
11 unless a copy of the acquiring authority's appraiser's written
12 report is provided to the owner or contract purchaser at least
13 five days before the hearing.

14 Sec. 3. Minnesota Statutes 2004, section 161.115,
15 subdivision 74, is amended to read:

16 Subd. 74. [ROUTE NO. 143.] Beginning at a point on Route
17 No. ~~10~~ 210 westerly of ~~Pennoek~~ Sunburg, thence extending in a
18 northerly direction to a point at or near Terrace~~r~~, thence
19 continuing in a northerly direction to a point on Route No. 142
20 as herein established.

21 [EFFECTIVE DATE.] This section is effective the day
22 following final enactment.

23 Sec. 4. Minnesota Statutes 2004, section 161.44, is
24 amended by adding a subdivision to read:

25 Subd. 9a. [APPROPRIATION.] (a) Proceeds from the sale or
26 lease of real estate and buildings under this section and
27 sections 161.23 and 161.41 must be paid into the trunk highway
28 fund and are appropriated to the commissioner to pay:

29 (1) for the actual cost of selling or leasing the real
30 estate or buildings;

31 (2) the fees required to be paid under this section and
32 section 161.23; and

33 (3) for the actual cost of construction, reconstruction, or
34 improvement of trunk highways, including:

35 (i) consultant usage to support these activities;

36 (ii) payments to landowners for lands acquired for highway

- 1 rights-of-way;
2 (iii) payments to lessees;
3 (iv) interest subsidies; and
4 (v) relocation expenses.
5 (b) Proceeds are available until expended.

6 Sec. 5. Minnesota Statutes 2004, section 161.442, is
7 amended to read:

8 161.442 [RECONVEYANCE TO FORMER OWNER.]

9 Notwithstanding sections 161.23, 161.41, 161.411, 161.43,
10 161.44, or any other statute, the commissioner of
11 transportation, with the consent of the owner, or for good cause
12 and with the consent of the court, may transfer, sell, or convey
13 real property including fixtures, and interests in real property
14 including easements, to the owner from whom the property was
15 acquired by the state for trunk highway purposes through a
16 pending eminent domain action. The transfer of title may be by
17 stipulation, partial dismissal, bill of sale, or conveyance.
18 Any resulting change in the state's acquisition must be
19 explained in the final certificate for that action. This
20 provision does not confer on a landowner the right to compel a
21 reconveyance without the consent of the commissioner.

22 [EFFECTIVE DATE.] This section is effective the day
23 following final enactment.

24 Sec. 6. Minnesota Statutes 2004, section 515B.1-107, is
25 amended to read:

26 515B.1-107 [EMINENT DOMAIN.]

27 (a) If a unit is acquired by eminent domain, or if part of
28 a unit is acquired by eminent domain leaving the unit owner with
29 a remnant which may not practically or lawfully be used for any
30 material purpose permitted by the declaration, the award shall
31 compensate the unit owner and secured party in the unit as their
32 interests may appear, whether or not any common element interest
33 is acquired. Upon acquisition, unless the order or final
34 certificate otherwise provides, that unit's allocated interests
35 are automatically reallocated among the remaining units in
36 proportion to their respective allocated interests prior to the

1 taking, and the association shall promptly prepare, execute, and
2 record an amendment to the declaration reflecting the
3 allocations. Any remnant of a unit remaining after part of a
4 unit is taken under this subsection is thereafter a common
5 element.

6 (b) Except as provided in subsection (a), if part of a unit
7 is acquired by eminent domain, the award shall compensate the
8 unit owner and secured party for the reduction in value of the
9 unit and its interest in the common elements, whether or not any
10 common elements are acquired. Upon acquisition, unless the
11 order or final certificate otherwise provides, (i) that unit's
12 allocated interests are reduced in proportion to the reduction
13 in the size of the unit, or on any other basis specified in the
14 declaration and (ii) the portion of the allocated interests
15 divested from the partially acquired unit are automatically
16 reallocated to that unit and to the remaining units in
17 proportion to the respective allocated interests of those units
18 before the taking, with the partially acquired unit
19 participating in the reallocation on the basis of its reduced
20 allocated interests.

21 (c) If part of the common elements is acquired by eminent
22 domain, the association shall accept service of process on
23 behalf of all unit owners and the portion of the award
24 attributable to the common elements taken shall be paid to the
25 association. Unless the declaration provides otherwise, any
26 portion of the award attributable to the acquisition of a
27 limited common element shall be equally divided among the owners
28 of the units to which that limited common element was allocated
29 at the time of acquisition and their secured parties, as their
30 interests may appear or as provided by the declaration.

31 (d) In any eminent domain proceeding the units shall be
32 treated as separate parcels of real estate for valuation
33 purposes, regardless of the number of units subject to the
34 proceeding.

35 (e) Any distribution to a unit owner from the proceeds of
36 an eminent domain award shall be subject to any limitations

1 imposed by the declaration or bylaws.

2 (f) The court order or final certificate containing the
3 final awards shall be recorded in every county in which any
4 portion of the common interest community is located.

5 Sec. 7. Minnesota Statutes 2004, section 515B.3-102, is
6 amended to read:

7 515B.3-102 [POWERS OF UNIT OWNERS' ASSOCIATION.]

8 (a) Except as provided in subsection (b), and subject to
9 the provisions of the declaration or bylaws, the association
10 shall have the power to:

11 (1) adopt, amend and revoke rules and regulations not
12 inconsistent with the articles of incorporation, bylaws and
13 declaration, as follows: (i) regulating the use of the common
14 elements; (ii) regulating the use of the units, and conduct of
15 unit occupants, which may jeopardize the health, safety or
16 welfare of other occupants, which involves noise or other
17 disturbing activity, or which may damage the common elements or
18 other units; (iii) regulating or prohibiting animals; (iv)
19 regulating changes in the appearance of the common elements and
20 conduct which may damage the common interest community; (v)
21 regulating the exterior appearance of the common interest
22 community, including, for example, balconies and patios, window
23 treatments, and signs and other displays, regardless of whether
24 inside a unit; (vi) implementing the articles of incorporation,
25 declaration and bylaws, and exercising the powers granted by
26 this section; and (vii) otherwise facilitating the operation of
27 the common interest community;

28 (2) adopt and amend budgets for revenues, expenditures and
29 reserves, and levy and collect assessments for common expenses
30 from unit owners;

31 (3) hire and discharge managing agents and other employees,
32 agents, and independent contractors;

33 (4) institute, defend, or intervene in litigation or
34 administrative proceedings (i) in its own name on behalf of
35 itself or two or more unit owners on matters affecting the
36 common elements or other matters affecting the common interest

1 community or, (ii) with the consent of the owners of the
2 affected units on matters affecting only those units;

3 (5) make contracts and incur liabilities;

4 (6) regulate the use, maintenance, repair, replacement and
5 modification of the common elements and the units;

6 (7) cause improvements to be made as a part of the common
7 elements, and, in the case of a cooperative, the units;

8 (8) acquire, hold, encumber, and convey in its own name any
9 right, title, or interest to real estate or personal property,
10 but (i) common elements in a condominium or planned community
11 may be conveyed or subjected to a security interest only
12 pursuant to section 515B.3-112, or (ii) part of a cooperative
13 may be conveyed, or all or part of a cooperative may be
14 subjected to a security interest, only pursuant to section
15 515B.3-112;

16 (9) grant public utility and transportation easements
17 through, over or under the common elements, and, subject to
18 approval by resolution of unit owners other than declarant or
19 its affiliates at a meeting duly called, grant other public or
20 private easements, leases and licenses through, over or under
21 the common elements;

22 (10) impose and receive any payments, fees, or charges for
23 the use, rental, or operation of the common elements, other than
24 limited common elements, and for services provided to unit
25 owners;

26 (11) impose charges for late payment of assessments and,
27 after notice and an opportunity to be heard, levy reasonable
28 fines for violations of the declaration, bylaws, and rules and
29 regulations of the association;

30 (12) impose reasonable charges for the review, preparation
31 and recordation of amendments to the declaration, resale
32 certificates required by section 515B.4-107, statements of
33 unpaid assessments, or furnishing copies of association records;

34 (13) provide for the indemnification of its officers and
35 directors, and maintain directors' and officers' liability
36 insurance;

1 (14) provide for reasonable procedures governing the
2 conduct of meetings and election of directors;

3 (15) exercise any other powers conferred by law, or by the
4 declaration, articles of incorporation or bylaws; and

5 (16) exercise any other powers necessary and proper for the
6 governance and operation of the association.

7 (b) Notwithstanding subsection (a) the declaration or
8 bylaws may not impose limitations on the power of the
9 association to deal with the declarant which are more
10 restrictive than the limitations imposed on the power of the
11 association to deal with other persons.

12 Sec. 8. Minnesota Statutes 2004, section 515B.3-112, is
13 amended to read:

14 515B.3-112 [CONVEYANCE OR ENCUMBRANCE OF COMMON ELEMENTS.]

15 (a) In a condominium or planned community, unless the
16 declaration provides otherwise, portions of the common elements
17 may be conveyed or subjected to a security interest by the
18 association if persons entitled to cast at least 67 percent of
19 the votes in the association, including 67 percent of the votes
20 allocated to units not owned by a declarant, or any larger
21 percentage the declaration specifies, approve that action in
22 writing or at a meeting; but all unit owners of units to which
23 any limited common element is allocated must agree in order to
24 convey that limited common element or subject it to a security
25 interest. The declaration may specify a smaller percentage only
26 if all of the units are restricted to nonresidential use.

27 (b) In a cooperative, unless the declaration provides
28 otherwise, part of a cooperative may be conveyed, or all or a
29 part subjected to a security interest, by the association if
30 persons entitled to cast at least 67 percent of the votes in the
31 association, including 67 percent of the votes allocated to
32 units in which the declarant has no interest, or any larger
33 percentage the declaration specifies, approves that action in
34 writing or at a meeting. If fewer than all of the units or
35 limited common elements are to be conveyed or subjected to a
36 security interest, then all unit owners of those units, or the

1 units to which those limited common elements are allocated, must
2 agree in order to convey those units or limited common elements
3 or subject them to a security interest. The declaration may
4 specify a smaller percentage only if all of the units are
5 restricted to nonresidential use. Any purported conveyance or
6 other voluntary transfer of an entire cooperative is void,
7 unless made pursuant to section 515B.2-119.

8 (c) The association, on behalf of the unit owners, may
9 contract to convey or encumber an interest in the common
10 elements of a common interest community pursuant to this
11 subsection, subject to the required approval. After the
12 approval has been obtained, the association shall have a power
13 of attorney coupled with an interest to effect the conveyance or
14 encumbrance on behalf of all unit owners in the common interest
15 community, including the power to execute deeds, mortgages, or
16 other instruments of conveyance or security. The instrument
17 conveying or creating the interest in the common interest
18 community shall be recorded and shall include as exhibits (i) an
19 affidavit of the secretary of the association certifying that
20 the approval required by this section has been obtained and (ii)
21 a schedule of the names of all unit owners and units in the
22 common interest community as of the date of the approval.

23 (d) Except as provided in section 515B.3-102(a)(9), unless
24 made pursuant to this section, any purported conveyance,
25 encumbrance, or other voluntary transfer of common elements, or
26 of any part of a cooperative, is void.

27 (e) In the case of a conveyance involving a condominium, or
28 a cooperative in which the unit owners' interests are
29 characterized as real estate, the association shall record,
30 simultaneously with the recording of the instrument of
31 conveyance, an amended CIC plat showing the real estate
32 constituting the common interest community exclusive of the real
33 estate conveyed. In all common interest communities, upon
34 recording of the instrument of conveyance, the declaration, and
35 all rights and obligations arising therefrom, shall be deemed
36 released and terminated as to the real estate

1 conveyed. Conveyances to the state or a political subdivision
2 for transportation purposes are exempt from the requirements of
3 this paragraph.

4 (f) A conveyance or encumbrance of common elements, or of a
5 cooperative, pursuant to this section shall not deprive any unit
6 of its rights of support, reasonable access or utility services.

7 (g) Except as provided in subsection (a), or unless the
8 declaration otherwise provides, a conveyance or encumbrance of
9 common elements pursuant to this section does not affect the
10 priority or validity of preexisting encumbrances.

11 (h) Any proceeds of the conveyance or creation of a
12 security interest under this section are an asset of the
13 association.

14 (i) This section shall not apply to any conveyance or
15 encumbrance of any interest in a proprietary lease.

16 Sec. 9. [REPEALERS; HIGHWAY CHANGES; EFFECTIVE DATES;
17 REVISOR INSTRUCTIONS.]

18 Subdivision 1. [LEGISLATIVE ROUTE NO. 224 REMOVED.] (a)
19 Minnesota Statutes 2004, section 161.115, subdivision 155, is
20 repealed effective the day after the commissioner of
21 transportation issues a notice of transfer transferring
22 jurisdiction of Legislative Route No. 224 to Becker County and
23 notifies the revisor of statutes under paragraph (b).

24 (b) The revisor of statutes shall delete the route
25 identified in paragraph (a) from Minnesota Statutes when the
26 commissioner of transportation sends notice to the revisor in
27 writing informing the revisor of the effective date and that the
28 conditions required to transfer the route are satisfied.

29 Subd. 2. [LEGISLATIVE ROUTE NO. 268 REMOVED.] (a)
30 Minnesota Statutes 2004, section 161.115, subdivision 199, is
31 repealed effective the day after the commissioner of
32 transportation issues a notice of transfer transferring
33 jurisdiction of Legislative Route No. 268 to Pipestone County
34 and notifies the revisor of statutes under paragraph (b).

35 (b) The revisor of statutes shall delete the route
36 identified in paragraph (a) from Minnesota Statutes when the

1 commissioner of transportation sends notice to the revisor in
2 writing informing the revisor of the effective date and that the
3 conditions required to transfer the route are satisfied.

APPENDIX
Repealed Minnesota Statutes for 05-0336

161.115 ADDITIONAL TRUNK HIGHWAYS.

Subd. 155. Route No. 224. Beginning at a point in Section 23, Township 142 North, Range 41 West; thence extending in a general westerly direction to a point on Route No. 30.

Subd. 199. Route No. 268. Beginning at a point at or adjacent to Edgerton; thence extending in a general westerly direction to a point on Route No. 6.

1 Senator moves to amend S.F. No. 1672 as follows:

2 Page 3, after line 24, insert:

3 "(c) When an appraisal under this section is made by an
4 appraiser employed by the Department of Transportation, any
5 appraisal review that is done on behalf of the department must
6 be performed by a qualified review appraiser who is not an
7 employee of the department."

8 Page 4, after line 13, insert:

9 "Subd. 5. [INFORMATION TO BE PREPARED.] The commissioner
10 of transportation shall prepare, in consultation with the
11 attorney general and one or more professional associations of
12 real estate appraisers, a publication of not more than two pages
13 that describes the eminent domain process for transportation
14 projects, including the reasons for condemnation, the procedures
15 followed by condemnors, how property owners and citizens may
16 influence the condemnation process, and the rights of property
17 owners and citizens affected by condemnation. The commissioner
18 shall make this publication available to all persons on whose
19 property the commissioner has made an appraisal or to whom the
20 commissioner has made an offer to purchase. The commissioner
21 may make the publication available to other acquiring
22 authorities and may charge a price to recover the commissioner's
23 costs."

24 Page 4, delete section 3, and insert:

25 "Sec. 3. [117.233] [RECOVERY OF LEGAL COSTS.]

26 An owner whose property is acquired by eminent domain is
27 entitled to reimbursement by the acquiring authority for
28 reasonable legal fees related to the acquisition, up to a
29 maximum of \$2,000, if:

30 (1) the acquisition is subject to section 117.036; and

31 (2) the final award of damages to the owner for the
32 property exceeds the acquiring authority's highest offer by at
33 least 20 percent."

34 Page 4, line 30, after the semicolon, insert "and"

35 Page 4, line 32, delete everything after "161.23" and
36 insert a period

- 1 Page 4, delete lines 33 to 36
- 2 Page 5, delete lines 1 to 4
- 3 Pages 9 to 12, delete sections 8 and 9
- 4 Renumber the sections in sequence and correct the internal
- 5 references
- 6 Amend the title accordingly

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

**S.F. No. 1731 – Regulating Data Obtained by Scanning Drivers’
Licenses**

Author: Senator Satveer Chaudhary

Prepared by: Amy Vennewitz, Fiscal Analyst (651/296-7681) *AMV*
Bonnie Berezovsky, Senate Counsel (651/296-9191)

Date: March 29, 2005

This bill prohibits a person from retaining information obtained from magnetically, electronically or otherwise scanning a drivers’ license or state identification card, except the holder’s name, date of birth, license number and expiration date. The retained information may not be used for advertising or marketing purposes. The retained information may not be sold or otherwise disseminated to any third party for any purpose, except that the retained information may be provided under a court order or as authorized elsewhere in law.

Senators Chaudhary and Skoglund introduced--

S.F. No. 1731: Referred to the Committee on Transportation.

1 A bill for an act

2 relating to drivers' licenses; regulating data

3 obtained by scanning drivers' licenses, permits, and

4 identification cards; amending Minnesota Statutes

5 2004, section 171.12, subdivision 7.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

7 Section 1. Minnesota Statutes 2004, section 171.12,

8 subdivision 7, is amended to read:

9 Subd. 7. [PRIVACY OF RESIDENCE ADDRESS.] (a) An applicant

10 for a driver's license or a Minnesota identification card may

11 request that the applicant's residence address be classified as

12 private data on individuals, as defined in section 13.02,

13 subdivision 12. The commissioner shall grant the classification

14 upon receipt of a signed statement by the individual that the

15 classification is required for the safety of the applicant or

16 the applicant's family, if the statement also provides a valid,

17 existing address where the applicant consents to receive service

18 of process. The commissioner shall use the mailing address in

19 place of the residence address in all documents and notices

20 pertaining to the driver's license or identification card. The

21 residence address and any information provided in the

22 classification request, other than the mailing address, are

23 private data on individuals and may be provided to requesting

24 law enforcement agencies, probation and parole agencies, and

25 public authorities, as defined in section 518.54, subdivision 9.

1 (b) An applicant for a driver's license or a Minnesota
2 identification card must be informed in a clear and conspicuous
3 manner on the forms for the issuance or renewal that the
4 applicant's personal information may be disclosed to any person
5 who makes a request for the personal information, and that
6 except for uses permitted by United States Code, title 18,
7 section 2721, subsection (b), the applicant may prohibit
8 disclosure of the personal information by so indicating on the
9 form.

10 (c) An applicant for a driver's license or a Minnesota
11 identification card must be also informed in a clear and
12 conspicuous manner on forms that the applicant's personal
13 information may be used, rented, or sold solely for bulk
14 distribution by organizations for business purposes, including
15 surveys, marketing, or solicitation. The commissioner shall
16 implement methods and procedures that enable the applicant to
17 request that bulk surveys, marketing, or solicitation not be
18 directed to the applicant. If the applicant so requests, the
19 commissioner shall implement the request in a timely manner and
20 the personal information may not be so used.

21 (d) To the extent permitted by United States Code, title
22 18, section 2721, data on individuals provided to obtain a
23 Minnesota identification card or a driver's license is public
24 data on individuals and ~~shall~~ must be disclosed as permitted by
25 United States Code, title 18, section 2721, subsection (b).

26 (e) A person shall not retain any information from
27 magnetically, electronically, or otherwise scanning a driver's
28 license, permit, or state identification card, except the
29 document holder's name; date of birth; driver's license, permit,
30 or state identification card number; and document expiration
31 date. A person shall not use any of this retained information
32 for advertising or marketing purposes. A person shall not sell
33 and shall not otherwise disseminate the retained information to
34 any third party for any purpose, including any marketing,
35 advertising, or promotional activities, except that retained
36 information may be provided under a court order or as authorized

1 elsewhere in law.